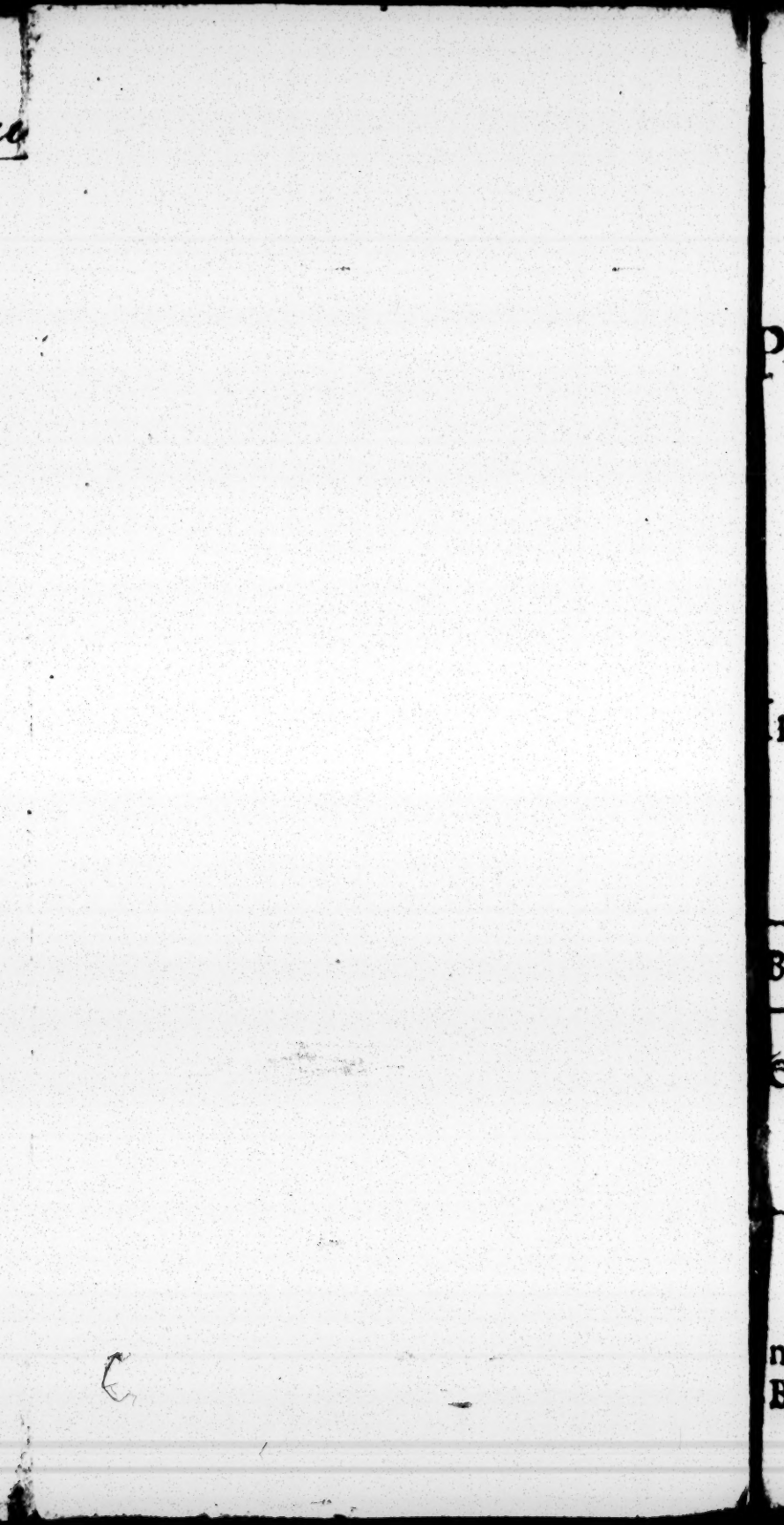




Presented by

Miss M.M.K Thomson, 1962

E.B. 9(42055) Rel



THE
PREROGATIVE
OF
PARLIAMENTS
IN
ENGLAND



Proved.

In a Dialogue between a
Counsellour of State, and a
Justice of Peace.

By Sir WALTER RALEIGH.

Dedicated to the KINGS
most Excellent Majestie.

L O N D O N,

Printed for Margaret Sheares at the
Bible in Bedford-street in Covent-
Garden, 1669.

Wingo, Amgo

Read the Book

To the KING.

Most gracious Sovereign,

THose that are supprest
and helpless are com-
monly silent, wishing
that the common ill
all sorte might be with their par-
ticular misfortunes: which dispo-
sition, as it is uncharitable in all
men, so would it be in me more
dog-like then man-like, to bite
the stone that stroke me: (to wit)
the borrowed authority of my So-
veraign misinformed, seeing their
eyes and hands that flang it, are
most of them already rotten. For
I must confess it ever, that they
owe debts, and not discontent-
ments, that your Majesty hath
laid upon me, the debts and obli-
gations,

gations of a friendless adversity,
farre more payable in all kinds,
then those of the prosperous: All
which, nor the least of them,
though I cannot discharge, I may
yet endeavour it. And notwith-
standing my restraint hath re-
trenched all wayes, as well the
wayes of labour and will, as of
all other imployments, yet hath
it left with me my cogitations
then which I have nothing else to
offer on the altar of my Love.

Of those (most gracious Sove-
raign) I have used some part in
the following dispute, between
Counsellour of Estate, and a Ju-
stice of Peace, the one dissua-
ding, the other perswading the
calling of a Parliament. In all
which, since the Norman Conquest
(at the least so many as Histori-
cal have gathered) I have in some
things in the following Dialogue
presented your Majesty with the
contents and successes.

Som

Some things there are, and
those of the greatest, which be-
cause they ought to be resolved on,
I thought fit to range them in the
front of the rest, to the end your
Majesty may be pleased to examine
your own great and Princely heart
of their acceptance, or refusal.

The first is, that supposition
that your Majesties Subjects give
nothing but with adjunction of
their own interest, interlacing in
one and the same act your Maje-
sties relief, their own liberties :
not that your Majesties piety was
ever suspected, but because the
best Princes are ever the least jea-
lous, your Majesties judging o-
thers by your self, who have abused
your Majesties trust. The fear'd
continuance of the like abuse may
perswade the provision. But this
caution, however it seemeth at
first sight, your Majesty shall per-
ceive by many examples following
to be frivolous. The bonds of Sub-

jects to their Kings should alwaies
be wrought out of Iron, the bond
of Kings unto Subjects but with
Cobwebs.

This it is (most renowned Soim
veraign) that this traffick of as
urance hath been often urged th
of which, if the Conditions ha
been easie, our Kings have as care
sly kept them; if hard and pre
judicial, either to their honour
or estates; the Creditours ha
been paid their debts with thei
own presumption.

For all binding of a King b
Law upon the advantage of his ne
cessity, makes the breach it sel
lawful in a King, His Charter
and all other instruments bein
no other then the surviving wi
resses of the unconstrained wil
Principis non subicitur nisi s
voluntate libera, mero motu
certa Sci ntia: Necessarie word
in all the grants of a King witne
fin

ing that the same grants were given freely and knowingly.

The second resolution will rest in your Majesty, leaving the new impositions, all Monopolie, and other grievances of the people to the consideration of the House, provided, that your Majesties revenue be not abated, which if your Majesty shall refuse, it is thought that the disputes will last long, and the issues will be doubtful: And on the contrary if your Majesty vouchsafe it, it may perchance be stiled a yielding, which seemeth by the sound to brave the Regality.

But (most excellent Prince) what other is it to the ears of the Wise, but as the sound of a trumpet, having blasted forth a false Alarm, becomes but common fire? Shall the head yield to the feet? Certainly it ought, when they are grieved, for wisdom will rather regard the commodity,

then object the disgrace, seeing
the feet lie in fetters, the head
cannot be freed, and where the
feet feel but their own pains, the
head doth not only suffer by par-
ticipation, but withall by consi-
deration of the evil.

Certainly the point of honour
well weighed hath nothing in it
even the ballance; for by your
Majesties favour, your Majesty
doth not yield either to any person
or to any power, but to dispute on-
ly, in which the Proposition and
Minor prove nothing without
Conclusion, which no other person
or power can make, but a Maj-
esty: yea this in Henry the third
his time was called a Wisdome in-
comparable. For the King raised
again, recovered his authority
For, being in that extremity as
was driven with the Queen and her
Children, Cum Aobatis & Pri-
oribus satis humilibus hospitibus qua-
rere & prandia: For the rest, m

it please your Majesty to consider
that there can nothing befall your
Majesty in matters of affairs more
unfortunately, then the Commons
of Parliament with ill success: A
dishonour so perswasive and ad-
venturous, as it will not only find
arguments, but it will take the
leading of all enemies that shall
offer themselves against your Ma-
jesties estate.

La l'aboutin de la paurete ne
faict point de breuet: of which
dangerous disease in Princes, the
remedy doth chiefly consist in the
love of the people, which how it
may be had and held, no man
knows better then your Majesty;
how to loose it, all men know,
and know that it is lost by nothing
more then by the defence of others
in wrong doing. The only motives
of mischances that ever come to
Kings of this Land since the Con-
quest.

It is only love (most renowned
Sove-

Sovereign) must prepare the way
for your Majesties following desires. It is love which obeyes, which
suffers, which gives, which sticks
at nothing ; which Love, as well
of your Majesties people, as the
love of God to your Majesty, that
it may alwayes hold, shall be the
continual prayers of your Maj-
esties most humble vassal,

Walter Raleigh



The Prerogative
OF
PARLIAMENTS,

Proved in a Dialogue

Between a { COUNSELLOR
of *State*,
and a
J U S T I C E of *Peace*.

COUNSELLOR.

NOW Sir, what think you
of Mr. St *Johns* Tryal in
Starr Chamber? I know
that the bruit ran, That
he was hardly dealt with-
all, because he was imprisoned in the
Tower, seeing his diffwasion from
granting a Benevolence to the King
was warned by the Law.

J U S T I C E. Surely, Sir, it was
made.

made manifest at the hearing, that Mr St-John was rather in love with his own Letter; he confessed he had seen your Lordships Letter, before he wrote his to the Mayor of Marleborough; and in your Lordships Letter there was not a word whereto the Statutes by Mr St-John alledged, had reference; for those Statutes did condemn the gathering of money from the Subject, under title of a Free Gift; whereas a Fifth, a Sixth, a Tenth, &c. was set down and required. But, my good Lord though divers Shires have given to his Majesty, some more, some less, what is this to the Kings Debt?

COUNS. We knew it well enough, but we have many other Projects.

IUST. It is true my good Lord but your Lordship will find, that when by these you have drawn many petty summs from the Subjects, and those sometimes spent as fast as they are gathered, his Majesty being nothing enabled thereby, when you shall be forced to demand your great *Aide*, the Country will excuse it self in regard of their former payments.

COUNS. What mean you by the great *Aid*?

I u s r. I mean the Aide of Parli-
ment.

C O U N S. By Parliament, I would
fain know the man that durst perswade
the King unto it; for if it should suc-
ceed ill, in what case were he?

I u s r. You say well for your self,
my Lord, and perchance you that are
lovers of your selves (under pardon)
do follow the advise of the late Duke
of *Aiva*, who was ever opposite to all
resolutions in busines of impor-
tance; for if the things enterprised
succeeded well, the advise never came
in question; if ill, (whereto great un-
dertakings are commonly subject) he
then made his advantage by remem-
bring his Countrey-Counsel: But, my
good Lord, these reserved Politicians
are not the best servants; for he that is
bound to adventure his life for his Ma-
ster, is also bound to adventure his ad-
vice; *Keep not back Counsel* (saith *Eccle-
siasticus*) *when it may do good.*

C O U N S. But Sir, I speak it not in
other respect then I think it dange-
rous for the King to assemble the
three Estates; for thereby have our for-
mer Kings alwayes lost somewhat of
their *Prerogatives*. And because that you
shall not think that I speak it at ran-
dome,

dome, I will begin with elder times wherein the first contention began betwixt the King of this Land and their Subjects in Parliament.

Jus r. Your Lordship shall doe me a singular favour.

COUNS. You know that the Kings of *England* had no formall Parliament till about the 18. year of *Hen. the First* for in his 17. year, for the marriage of his Daughter, the King raised a Tax upon every hide of land, by the advice of his privy Councel alone. But you may remember how the Subjects, soon after the establishment of this Parliament, began to stand upon terms with the King, and drew from him by strong hand and the sword the *Great Charter*.

Jus r. Your Lordship sayes well they drew from the King the *Great Charter* by the sword, and hereof the Parliament cannot be accused, but the Lords.

COUNS. You say well; but it was after the establishment of the Parliament, and by colour of it, that they had so great daring; for before that time they could not endure to hear of *St. Edwards Laws*, but resisting the confirmation in all they could, although

by those lawes the Subjects of this
land were no less free then any of all
Europe.

J u s t. My good Lord, the reason is
manifest; for while the *Normans* and
others of the *French* that followed the
Conquerour made spoil of the *En-
glish*, they would not endure that any
thing but the will of the Conquerour
should stand for Law: but after a dis-
cent or two when themselves were
become *English*, and found themselves
beaten with their own rods, they then
began to favour the difference be-
tween subjection and slavery, and in-
sist upon the Law, *Meum & tuum*, and
to be able to say unto themselves, *hoc
fac & vives*: yea that the conquering
English in *Ireland* did the like, your
Lorship knows it better then I.

C o u n s. I think you guess a-
right: And to the end the subject may
know that being a Faithful servant to
his Prince he might enjoy his own
life, and Paying to his Prince what be-
longs to a Sovereign, the remainder
was his own to dispose. *Henry* the
first to content his vassals gave them
the great Charter, and the Charter of
Forests.

J u s t. What reason then had
K.

King *John* to deny the confirmation

COUNS. He did not, but he on the contrary confirmed both the *Charter* with additions, and required the Pope whom he had then made his superior to strengthen him with a golden Bull.

IUST. But your honour knows that it was not long, that he repented himself.

COUNS. It is true, and he had reason so to do, for the Barons refused to follow him into France, as he ought to have done, and to say that this great Charter upon which you so much insist, was not originally granted Regally and freely; for *Henry* first did usurpe the Kingdom, and therefore the better to assure himself against *Robert* his eldest Brother, he flattered the Nobility and people with those Charters. Yea King *John* that confirmed them, had the like respect: for *Arthur* Duke of Britain was the undoubted heir of the Crown, upon whom *John* usurped. And so to conclude, these Charters had their original from Kings *de facto*, but not *de jure*.

IUST. But King *John* confirmed the Charter after the death of his Nephew *Arthur*, when he was then *de jure* also.

COUN

COUNS. It is true, for he durst
no other, standing accursed, where-
y few or none obeyed him, for his
nobility refused to follow him into
Scotland, and he had so grieved the
people by pulling down all the Park
walls before harvest, to the end his
Deere might spoil the corn; And by
seizing the temporalities of so many
Bishopricks into his hands, and cheif-
ly for practising the death of the
Duke of Britain his Nephew, as also
having lost Normandy to the French,
so as the hearts of all men were turn-
ed from him.

IUST. Nay by your favour my
Lord, King John restored *K. Edwards*
Lawes after his absolution, and wrote
his letters in the 15. of his reign to
all Sheriffs, countermanding all for-
mer oppressions, yea this he did not-
withstanding the Lords refused to fol-
low him into France.

COUNS. Pardon me, he did not
restore King *Edwards* Lawes then, nor
yet confirmed the Charters, but he
promised upon his absolution to doe
both: but after his return out of
France in his 16. year he denyed it,
because with out such a promise he
had not obtained restitution; his pro-
mise.

mise being constrained, and not
luntary.

J u s t. But what think you,
he not bound in honour to perform
it?

C o u n s. Certainly no, for it was
determined, the case of King *Fraser*
the first of France, that all promises
by him made, whilst he was in the
hands of *Charles* the fifth his enemy
were void, by reason the judge of
your, which tells us he durst do
other.

J u s t. But King *John* was not
prison.

C o u n s. Yet for all that, restraint
is imprisonment, yea, fear it self
imprisonment, and the King was sub-
ject to both: I know there is nothing
more Kingly in a King than the per-
formance of his word; but yet of
word freely and voluntarily given.
Neither was the *Charter* of *Henry*
first so published, that all men might
plead it for their advantage but
Charter was left (in deposito) in the hands
of the Archbishop of *Canterbury*
the time, and so to his successor
Stephen Langthon, who was ever
Traytor to the King, produced the
Charter, and shewed it to the Barons

then

thereby encouraging them to make war against the King. Neither was it the old *Charter* simply the Barons ought to have confirmed, but they presented unto the King other articles and orders, tending to the alteration of the whole Common-wealth, which when the King refused to signe, the Barons presently put themselves into the field, and in rebellious and outrageous passion sent the King word, except he confirmed them, they would not desist from making war against him, till he had satisfied them therein. And in conclusion, the King being betrayed of all his Nobility, in effect was forced to grant the *Charter of Magna Charta*, and *Charta de Forestis*, at such time as he was environed with an army in the Meadows of *Staynes*, which *Charters* being procured by force, Pope *Innocent* afterward disavowed, and threatened to curse the Barons if they submitted not themselves as they ought to their Sovereigne Lord, which when the Lords refused to obey, the King entertained an army of strangers for his own defence, whereupon having mastered and beaten the Barons, they called in *Lewis of France* (a most unnatural resolution) to be their

their King; Neither was *Magna Charta* a Law in the 19. of *Henry* the second but simply a *Charter* which he confirmed in the 21 of his reign, made it a Law in the 25. according *Littleton's* opinion. Thus much for beginning of the *Great Charter*. which had first an obscure birth from usurpation, and was secondly, fostered and shewed to the world by rebellion.

Iust. I cannot deny but that your Lordship hath said is true; seeing the *Charters* were afterwards many times confirmed by *Parliament* and made *Lawes*, and that there nothing in them unequal or prejudicial to the King, doth not your Honour think it reason they should be observed?

Couns. Yes and observed they are in all that the State of a King permit, for no man is destroyed but by the *Lawes*, of the Land no man disseized of his inheritance but by the *Lawes* of the land; imprisoned they are by the prerogative where the King hath cause to suspect their loyalty: were it otherwise, the King should never come to the knowledge of a conspiracy or *Treason* against his person or state, and being imprisoned, yet do

not any man suffer death but by Law of the Land.

U. S. R. But may it please your ship, were not *Cornwallis*, *Sharp*, *Hoskins* imprisoned, being no su-
on of Treason their?

O. U. N. S. They were; but it cost nothing.

U. S. R. And what got the King by or in the conclusion (besides the cure of the people) *Cornwallis*, *p*, and *Hoskins* have greatly o-
not themselves, and repented them,
e of five or six hundred pound was
on his Majesty for their offences,
so much their diet cost his Majesty.

O. U. N. S. I know who gave the ad-
sure I am that it was none of
e : But thus I say, if you consult
r memory, you shall find that
e Kings which did in their own
s confirm the *Magna Charta*, did
only imprison, but they caused
their Nobility and others to be
n without hearing or trial.

U. S. R. My good Lord, if you will
e me leave to speak freely, I say,
they are not well advised that per-
de the King not to admit the *Mag-*
Charta with the former reserva-
ns : For as the King can never lose a
far-

a farthing by it as I shall prove and
 So except *England* were as *Naples*
 and kept by Garrisons of another
 tion, it is impossible for a King of
land to greaten and enrich himself
 any way so assuredly, as by the love
 his people: For by one rebellion
 King hath more loss, than by a
 dred years observance of *Magna Carta*.
 For therein have our Kings been
 forced to compound with Rogues
 and Rebels, and to pardon them;
 the state of the King, the Monarch
 the Nobility have been endangered
 them.

COUNS. Well Sir, let that pass
 why should not our Kings raise money
 as the Kings of *France* do by their
 letters and Edicts onely? For since
 time of *Lewis* the eleventh, of whom
 is said, that he freed the *French* Kings
 of their wardship; the *French* Kings
 have seldome assembled the States
 any contribution.

IUST. I will tell you why:
 strength of *England* doth consist of
 people and Yeomantry, the Peasants
France have no courage nor armes:
France every Village and Borough
 hath a Castle, which the *French* call
Chasteau Villain, every good City be

and Cittadell, the King hath the
ments of his Guards and his men
mes alwayes in pay ; yea the No-
y of *France* in whom the strength
France consists, do alwayes assist
King in those levies, because
selves being free, they made the
levies upon their Tenants. But,
Lord, if you mark it, *France* was
r free in effect from Civil Wars,
ately it was endangered either to
onquered by the *Spaniard*, or to
cantonized by the Rebellious
ch themselves, since that free-
e of Wardship. But, my good
d, to leave this digression, that
ein I would willingly satisfie
Lordship, is, that the Kings of
and have never received loss by
ament, or prejudice.

O U N S. No Sir, you shall find
the subjects in Parliament have
eed great things to the disadvan-
and dishonour of our Kings in
er times.

U S R. My good Lord, to avoid
fusion, I will make a short repetiti-
of them all, and then your Lordship
object where you see cause; and
ubt not but to give your Lord-
satisfaction. In the sixth year of
Henry

Henry the third there was no dispute the Houle gave the King two shillings of every plough'd Land within *England* and in the end of the same year he *escuage* payed him (to wit) for every Knight's fee two marks in silver. In the fifth year of that King, the Lords demanded the confirmation of the *Great Charter*, which the Kings Council for that time present excused alledging, that those privileges were extorted by force, during the Kings Minority, and yet the King was pleased to send forth his Writ to the Sheriffs of every Countrey, requiring them to certifie what the liberties were, and how used, and in exchange of the Lords demand, because they pressed him so violently the King required all the Castles and places which the Lords held of him and had held in the time of his Father with those Mannors and Lordships which they had heretofore wrested from the Crown, which at that time (the King being provided of Force) they durst not deny. In the 14, year he had the 15, penny of all goods given him, upon condition to confirm the *Great Charter*: For by reason of wars in *France*, and the loss of

he was then enforced to con-
to the Lords in all they demand-
In the tenth of his reign he fined
City of *London* at 30000 marks,
ause they had received *Lewis* of
nce. In the eleventh year in the Par-
ment at *Oxford*, he revoked the great
arter, being granted when he was
er age, and governed by the Earl
Pembroke, and the *Bishop* of *Win-*
er. In this eleventh year the Earls
Cornwall and *Chester*: Marshall, Ed-
d Earl of *Pembroke*, *Gilbert* Earl of
cester, *Warren*, *Hereford*, *Ferrars*, and
wick, and others rebelled against
King, and constrained him to
unto them in what they demand-
or their particular interest, which
llion being appeased, he sailed
France, and in his fifteenth year
had a fifteenth of the temporality,
a disme and a half of the spiritua-
and withall escuage of every
ghts fee.

OUNS. But what say you to the Par-
ment of *Westminster* in the sixteenth
ne King, where notwithstanding
wars of *France* and his great charge
pulling the *Welsh* Rebels, he was
y denied the Subsidy demanded.

us. I confess, my Lord, that

the house excused themselves by reason of their poverty, and the taking of Aimes? in the next year was manifest that the house was justified against the King: And was it so (my good Lord) think you in two last Parliaments? for in the first even those whom his Majesty trusted most, betrayed him in the union; in the second, there were other of great Ones ran counter. But your Lordship spake of dangers of Parliaments in this (my Lord) there was a deal, but there was no danger at all, but to return where I left, what the Lords by practising the house that time? I say that those that bore this Staff upon the King, were overturned with the counterbuff; for resumed all those lands which he gave in his minority: he called all exacting Officers to account, he found them all faulty, he examined the corruption of other Magistrates, from all these he drew sufficient money to satisfy his present necessity whereby he not only spared his people, but highly contented them with an act of so great justice: Yea, *Henry* Earl of Kent, the chief Justice whom he had most trusted, and most ad-

was found as false to the King as of the rest. And for conclusion, the end of that year at the Assembly the States at *Lambeth*, the King had fortieth part of every mans goods in him freely toward his debts: the people, who the same year refused to give the King any thing, when they say he had squealed those riches of the Common-wealth, they willingly yielded to give him satisfaction.

COUNTS. But I pray you what became of this *Hubert*, whom the King favoured above all men, betraying Majesty as he did?

JUSTICE. There were many that persuaded the King to put him to death, he could not be drawn to consent, the King seized upon his estate which was great? yet in the end he left a sufficient portion, and gave him his life, because he had done great service in former times: For his Majesty, though he took advantage of Vice, yet he forgot not to have consideration of his Virtue. And upon occasion it was that the King, betrayed by those whom he most trusted, entertained strangers, and gave them their Offices and the charge of

his Castles and strong places in land.

COUNS. But the drawing in those Strangers was the cause that *shall* Earl of Pembroke moved against the King.

IUST. It is true, my good Lord, but he was soon after slain in Ireland and his whole masculine race thereby extinguished, though there were Sons of them. And Marshall being dead, who was the mover and leader of that war, the King pardoned the rest of the Lords that had assisted Marshall.

COUNS. What reason had the King to do so?

IUST. Because he was perswaded that they loved his person, and hated those corrupt Councillors then bear the greatest sway upon him, as also because they were best men of war he had, whom if he destroyed, having war with the French he had wanted Commanders to serve him.

COUNS. But what reason had the Lords to take arms?

IUST. Because the King entertained the Poitevins, were they the Kings Vassals also? Should

Spaniards rebel, because the *Spanish* trusts to the *Neapolitans*, *Portugall* and *Millaners*, and other Nations Vassals, seeing those that are governed by the Vice royces and Deputies are in policy to be well entertained and to be imployed, who would likewise devise how to free themselves; whereas, being trusted and loved by their Prince, they enter themselves with the hopes that the Kings Vassals do, if the King had called in the *Spaniards*, or other Nations, not his Subjects, the ability of *England* had reason of.

Yours. But what people did deserve the King of *England* more fully then the *Gascoigns* did, even the last of the conquest of that chy.

Yours. Your Lordship sayes well, I am of that opinion, that if it had pleased the Queen of *England* to have brought some of the chief of the *Irish* policy into *England* and by exchange have made them good free holders in *England*, she had sav'd above two millions of pounds, which were consumed in the expenses of those Rebellions. For what the great *Gascoign* firm to the

Crown of *England* (of whom the Duke of *Espernon* married the Inheriatrix) his Earledome of *Kendall* in *England* whereof the Duke of *Espernon* (in right of his Wife) bears the Title to a day? And to the same end I take hath *James* our Sovereign Lord given Lands to divers of the Nobilitie of *Scotland*. And if I were worthy to advise your Lordship, I should think that your Lordship should do the King great service, to put him in mind to prohibite the *Scottish* Nation to alienate and sell away their inheritance here; for they selling, they not only gave cause to the *English* to complain, that the Treasure of *England* transported into *Scotland*, but his Majesty is thereby also frustrated making both Nations one, and of furing the service and obedience of the State in future.

C O U N S. You say well; for though those of *Scotland* that are advanced and enriched by the Kings Majesties will no doubt serve him faithfully, how their heires and successors, having no inheritance to lose in *England* may be seduced, is uncertain. But let us go on with our Parliament. And what say you to the denial, in

year of his Reign, even when the King was invited to come into France by the Earl of *March*, who had married his Mother, and who promised to assist the King in the conquest of any places lost?

Ans. It is true my good Lord, that a Subsidie was then denied, and the reasons are delivered in *English* histories; and indeed the King not long before had spent much Treasure in aiding the Duke of *Britaine* to no purpose; for he drew over the King to draw on good conditions for himself, as the Earle of *March* his father in law now did: As the *English* did invite *Lewis* of *France* not long before, as in elder times all the Kings and States had done, and in late years the Leaguers of *France* entered the *Spaniards*, and the *French* Protestants and *Netherlands*, *Queen Elizabeth*, not with any purpose to weaken those that aide them, but to purchase to themselves an advantageous peace. But what say the Historians to this denial? They say, with a world of payments there mentioned, that the King had drawn the Nobility. And besides, that whereas not long before great sums of mo-

ney where given, and the same appointed to be kept in four Castles, and to be expended but by the advice of the Peers; it was believed, that the same Treasure was yet unspent.

COUNS. Good Sir, you have said enough; judge you whether it were not a dishonour to the King to be trayed, as not to expend his Treasure but by other mens advice, as it were their licence.

IUS R. Surely, my Lord, the King was well advised to take the money upon any occasion, and they were fools that propounded the restraint for it doth not appear, that the King took any great heed to those overseers: *Kings are bound by the pietie and by no other Obligation.* In Queen *Maries* time, when it was thought that she was with Child, it was propounded in Parliament that the rule of the Realm should be given to King *Philip*, during the minority of the hoped Prince or Princess; and the King offered his assurance in great summes of money to relinquish the Government at such time as the Prince or Princess should be of age: At which motion, when all else were silent in the House

Lord

and Dacres (who was none of the wi-
) asked who shall sue the Kings
 ads ? which ended the dispute
 or what other Bond is between a
 g and his vassals, then the Bond of
 Kings Faith;) But, my good Lord,
 King, notwithstanding the denial
 thattime, was with gifts from par-
 ticular persons, and otherwise, sup-
 ed for proceeding of his journey
 that time into *France*; he took
 with him 30 Caskes filled with Silver
 Coyne, which was a great Trea-
 e in those dayes. And lastly, not-
 hstanding the first denial, in the
 ng absence he had Escuage grant-
 him (to wit) 20 s. of every Knights
 f.

COUNS. What say you then to
 28th. year of the King, in which
 en the King demanded reliefe, the
 ates would not consent, except the
 ne former order had been taken
 the appointing of 4 overseers for
 e treasure: as also that the Lord
 ief Iustice and the Lord Chancellor
 ould be chosen by the States, with
 me Barons of the Exchequer and o-
 er Officers.

IUS R. My good Lord, admit the
 ing had yielded their demands,
 B s then

then whatsoever had been ordained by those Magistrates to the dislike of the Common-wealth, the people had been without remedy, whereas when the King made them, they had the appeal and other remedies. But those demands vanished, and in the end the King had escuage given him, without any of their conditions. It is an excellent virtue in a King to have patience, and to give way to the fury of mens passions. The Whale when he is stricken by the fisherman, growes in to that fury, that he cannot be resisted but will overthrow all the Ships and Barkes that come into his way; but when he hath tumbled a while, he is drawn to the shore with twine and shred.

COUNS. What say you then to the Parliament in the 29th. of the King?

IUS. I say that the Commons being unable to pay: the King relieved himself upon the richer sort: and so likewise happened in the 33, of the King, in which he was relieved chiefly by the City of London. But, my good Lord, in the Parliament in London in the 38th. year, he had given him the tenth of all the revenues of the Church

Church for 3 years, and three marks
every Knights fee throughout the
kingdome, upon his promise and
upon the observing of *Magna
Charta*, but in the end of the same
year, the King being then in *France*,
was denied the aides which he re-
quired. What is this to the danger of
Parliament? especially at this time
they had reason to refuse, they had
given so great a summe in the begin-
ning of the same year. And again, be-
cause it was known that the King had
pretended war with the King of *Ca-
stile*, with whom he had secretly con-
tracted an alliance, and concluded a
marriage betwixt his Son *Edward* and
the Lady *Elenor*. These false fires do
not fright Children, and it commonly
falls out, that when the cause given is
known to be false, the necessity pre-
tended is thought to be fained. Roy-
al dealing hath evermore Royal suc-
cess: and as the King was denied in
the eight and thirtieth year, so was he
denied in the nine and thirtieth year,
because the Nobility and the people
saw it plainly, that the King was abu-
sed by the Pope, who as well in de-
spite to *Manfred* bastard Son to the
Emperour *Frederick* the second: as to
cozen

cousin the King and to waste his would needs bestow on the King the Kingdome of *Sicily*; to recover which the King sent all the treasure could borrow or scrape to the Pope and withall gave him Letters of credence, for to take up what he could in *Italy*, the King binding himself to the payment. Now, my good Lord, the wisdom of Princes is seen in nothing more then in their enterprises. So how unpleasing it was to the State of *England* to consume the Treasure of the Land, and in the conquest of *Sicily* so far off, and otherwise, that the *English* had lost *Normandy* under their noses, and so many good parts of *France*, of their own proper inheritances: the reason of the denial is as well to be considered as the denial.

COUNS. Was not the King all denied a Subsidy in the forty first of his reigne?

IUSR. No, my Lord: for although the King required money as before for the impossible conquest of *Sicily*, yet the House offered to give 5200 marks, which whether he refused or accepted, is uncertain: and whilst the King dreamed of *Sicily*, the *Welsh* invaded

invaded and spoiled the borders of
England; for in the Parliament of
London, when the King urged the
House for the prosecuting the con-
quest of Sicily, the Lords utterly dis-
counting the attempt, urged the prole-
cution of the Welshmen: which Par-
liament being prorogued, did again as-
semble at Oxford, and was called the
second Parliament, which was no other
than an assembly of rebels, for the
royal assent of the King which gives
force to all Laws, form'd by the three
Estates, was not a royal assent, when
both the King and the Prince were
constrained to yield to the Lords. A
constrained consent is the consent of a
captive, and not of a King, and there-
fore there was nothing done there ei-
ther legally or royally. For if it be not
properly a Parliament, where the sub-
ject is not free, certainly it can be
none where the King is bound, for all
Kingly rule was taken from the King,
and twelve Peers appointed; and as
some Writers have it 24. Peers, to
govern the Realm, and therefore
the assembly made by Jack Straw and
other rebels may aswell be called a
Parliament, as that of Oxford. Prin-
cipis nomen habere, non est esse princeps,
for

for thereby was the K. driven not only to compound all quarrels with the French, but to have means to be revenged on the rebel Lords: but he quitted his right to *Normandy, Anjou* and *Mayne*.

COUNS. But Sir, what needed this extremity, seeing the Lords require but the confirmation of the former Charter, which was not prejudicial to the King to grant?

IUST. Yes my good Lord, but they insulted upon the King, and would not suffer him to enter into his own Castles, they put down the Purveyor of the meat for the maintenance of his house: as if the King had been a bankrupt, and gave order that without ready money he should not take up a Chicken. And though there is nothing against the royalty of a King in these Charters (the Kings of *England* being Kings of freemen, and not of slaves) yet it is so contrary to the nature of a King to be forced even to those things which may be to his advantage, as the King had some reason to seek the dispensation of his Oath from the Pope, and to draw in strangers for his own defence: yea *jure salvo Coronæ nostræ* is intended in-
clu-

Onely in all oathes and promises
thely from a Sovereign.

COUNS. But you cannot be igno-
rant how dangerous a thing it is to
do in other Nations both for the
ill they make, as also, because they
have often held the possession of the
places with which they have been
afflicted.

I u s r. It is true my good Lord,
that there is nothing so dangerous for
a King as to be constrained and held
a prisoner to his vassals, for by that,
Edward the second, and Richard the
second lost their Kingdomes and their
lives. And for calling in of strangers,
was not King Edward the sixth driven
to call in strangers against the Rebels
in Norfolk, Cornwall, Oxfordshire, and
elsewhere? Have not the Kings of
Scotland been oftentimes constrained to
entertain strangers against the Kings of
England: And the King of England at
this time had he not been divers times
assisted by the Kings of Scotland, had
been endangered to have been expelled
forever.

COUNS. But yet you know those
Kings were deposed by Parliament.

I u s r. Yea my good Lord, being
Prisoners, being out of possession, and
being

being in their hands that were Prince of the blood and pretenders. It is an old Countrey Proverb, (that *Might overcomes Right*) a weak title that weares a strong sword, common prevailes against a strong title that weares but a weak one, otherwise Philip the second had never been Duke of Portugal, nor Duke of Millayne nor King of Naples and Sicily. But good Lord, *Errores non sunt trahendi in exemplum*. I speak of regal, peaceable, and lawful Parliaments. The King at that time was but a King in name, for Gloucester, Leicester and Chichester made choice of other Nine, to whom the rule of the Realm was committed, and the Prince was forced to purchase his Liberty from the Earl of Leicester by giving for his Ransome the County Palatine of Chester. But, my Lord, let us judge of those occasions by their events, what became of this proud Earl? was he not soon after slain in *Evesham*? was he not left naked in the field, and left a shameful spectacle, his head being cut off from his shoulders, his privy parts from his body, and laid on each side of his nose? And did not God extinguish his race? after which in a lawful Parliament

ment at *Westminster* (confirmed in
 following Parliament of *Westminster*)
 e not all the Lords that followed
Glocester disinherited? And when that
Glocester after the death of *Lei-*
er (whom he had formerly for-
 en) made himself the head of a
 and Rebellion, and called in stran-
 s, for which not long before he
 d cried out against the King, was
 he in the end, after that he had
 in the slaughter of so many of the
 ions, the spoil of their Castles, and
 ordships, constrained to submit him-
 f, as all the survivors did, of which
 ey that sped best, payed their fines
 d ransomes, the King reserving his
 ounge Son the Earldomes of *Leice-*
er and *Derby*.

C O U N S. Well Sir, we have dispu-
 ed this King to the grave, though it
 e true, that he out-lived all his ene-
 mies, and brought them to confusion,
 et those examples did not terrifie
 heir successors, but the Earl Mar-
 shall, and *Hereford*, threatned King
Edward the first with a new War.

J u s t. They did so, but after the
 death of *Hereford*, the Earl Mar-
 shall repented himself, and to gain
 the Kings favour, he made him heir
 of

of all his Lands. But what is this to the Parliament? for there was never King of this Land had more given him for the time of his Reign, then *Edward* the Son of *Henry* the third had.

COUNS. How doth that appear?

IUST. In this sort my good Lord in this Kings third year he had given him the fifteenth part of all goods. In his sixth year a twentieth. In his twelfth year a twentyeth, in his fourteenth year he had escuage (to wit) 40 s. of every Knights Fee; in his eighteenth year he had the eleventh part of all moveable goods within the Kingdom in his nineteenth year the tenth part of all Church Livings in *England*, *Scotland*, and *Ireland* for six years by agreement from the Pope; in his three and twentieth year he raised a Taxe upon Wool and Fells, and on a day caused all the Religious Houses to be searched, and all the Treasure in them to be seized and brought to his Coffers, excusing himself by laying the fault upon his Treasurer: he had also in the end of the same year, of all Goods of all Burgesles, and of the Commons the 10th. part; in the 25th. year of the Parliament of *St. Edmondsbury*, he had an 18th. part of the goods

his goods of the Burgesles ; and of the
people in general, the tenth part. He
had also the same year by putting the
Clergie out of his protection a fifth
part of their Goods, and in the same
year he set a great Tax upon Wools,
from half a mark to 40s. up-
on every sack ; whereupon the Earl
Marshall, and the Earl of Hereford
refusing to attend the King to *Flan-*
ders, pretended the grievances of the
people. But in the end, the King ha-
ving pardoned them, and confirmed
the great Charter, he had the ninth
penny of all goods from the Lords and
Commons of the Clergie ; in the
South he had the tenth penny, and in
the North the fifth penny. In the two
and thirtieth year he had a Subsidy
freely granted. In the three and thir-
tieth year he confirmed the great
Charter of his own Royal Disposi-
tion : and the States, to shew their
thankfulness, gave the King for one
year the fifth part of all the revenues
of the Land, and of the Citizens the
six part of their goods. And in the
same year the King used the Inquisi-
tion called *Traille Baston*. By which all
Justices and other Magistrates were
grievously fined that had used extor-
tion.

tion or bribery, or had otherwise misdemeaned themselves to the great contentation of the people. The Commission likewise did enquire of entrudors, barators, and all others in like vermine, whereby the King gathered a great mass of treasure with a great deal of love. Now for the whole reign of this King, who governed *England* 35 years, there was not any Parliament to his prejudice.

COUNS. But there was taking of armes by *Marshall* and *Hereford*.

IUS R. That's true, but why was that? because the King, notwithstanding all that was given him by Parliament, did lay the greatest taxes that ever King did without their consent. But what lost the King by those Lords? one of them gave the King all his lands, and the other died in disgrace.

COUNS. But what say you to the Parliament in *Edward* the Second's time his Successor: did not the House of Parliament banish *Pierce Gaveston* whom the King favoured?

IUS R. But what was this *Gaveston* but an Esquire of *Gascoigne*, formerly banished the Realm by King *Edward* the first, for corrupting the Prince *Edward*, now reigning. And the whole
King-

Kingdome fearing and detesting his
enemious disposition, then besought
his Majestie to cast him off, which the
King performed by an Act of his own,
and not by Act of Parliament, yea
avestones own father in Law, the
Earl of *Glocester*, was one of the chief-
est of the Lords that procured it. And
yet finding the Kings affection to fol-
low him so strongly, they all consent-
ed to have him recalled. After which
then his credit so encreased, that he
despised and set at naught all the an-
cient Nobility, and not onely per-
suaded the King to all manner of
outrages and riots, but withall tran-
sportedly what he listed of the Kings
treasure and Jewels: the Lords ur-
ged his banishment the second time,
but neither was the first nor second
banishment forced by Act of Parlia-
ment, but by the forceable Lords his
enemies. Lastly he being recalled by
the King, the Earl of *Lancaster* caused
his head to be stricken off, when those
of his party had taken him prisoner.
By which presumptuous act, the Earl
and the rest of his company commit-
ted Treason and murder: Treason by
raising an Army without warrant,
murder by taken away the life of the
Kings

Kings subjects. After which *Gaveston* being dead, the *Spencers* got possession of the Kings favour, though the younger of them was placed about the King, by the Lords themselves.

COUNS. What say you then to the Parliament held at London about the Sixt year of that King.

IUST. I say that the King was not bound to perform the acts of this Parliament, because the Lords being too strong for the King, inforced his consent, for these be the words of our own History. *They wrested too much beyond the bounds of reason.*

COUNS. What say you to the Parliaments of the White wands in the 13th of the King.

IUST. I say the Lords that were so moved came with an Army, and by strong hand surprized the King, they constrained, (saith the story) the rest of the Lords, and compelled many of the Bishops to consent unto them, yea it saith further, that the King durst not but grant to all that they required, (to wit) for the banishment of the *Spencers*. Yea they were so insolent that they refused to lodge the Queen coming through Kent in the Castle of *Leedes*, and sent her to provide

provide her lodging where she could
get it so late in the night, for which
notwithstanding some that kept her
at were soon after taken and hang'd;
and therefore your Lordship cannot
call this a Parliament for the reasons
before alleadged. But my Lord what
became of these Lawgivers to the
King, even when they were greatest,
Knight of the North called *Andrew*
Perkely, assembled the forces of the
Countrie, overthrew them and their
Army, slew the Earle of *Hereford*, and
other Barons, took their General *Tho-*
mas Earle of *Lancaster*, the Kings co-
en-germane, at that time possessed of
five Earledomes, the Lords *Clifford*,
Salbot, *Moubray*, *Maudint*, *Willington*,
Warren, Lord *Darcy*, *Wichers*, *Knevill*,
Gybourne, *Bekes*, *Lovell*, *Fitzwilliams*,
Waterwild, and divers other Barons,
Knights and Esquires, and soon after
the Lord *Percy*, and the Lord *Warren*
took the Lords *Baldsemere*, and the
Lord *Audley*, the Lord *Teis*, *Gifford*,
Cutchet, and many others that fled from
the battaile, the Most of which past
under the hands of the hangman, for
constraining the King under colour
and name of a Parliament. But this
your good Lordship may judge, to
whom

whom, those tumultuous assemblies (which our Histories, falsely call Parliaments have been dangerous, the King in the end after prevailed, and the Lords lost their lives, and estates. After which the *Spencers* in their banishment at *York*, in the 15th, of the King, were restored to their honours and estates, and therein the King had a subsidy given him the sixt penny of goods throughout *England*, *Ireland*, and *Wales*.

COUNS. Yet you see the *Spencers* were soon after dissolved.

IUST. It is true my Lord, but that is nothing to our subject of Parliament, they may thank their own insolencie, for they branded and despised the Queen, whom they ought to have honoured as the Kings wife; they were also exceeding greedy, and built themselves upon other mens ruines, they were ambitious and exceeding malicious, whereupon that came, that when Chamberlain *Spencer* was hang'd in *Hereford*, a parr of the 24th. Psalm was written over his head: *Quid gloriarius in malitia potens.*

COUNS. Well Sir, you have all this while excused your self upon the strength and rebellion of the Lords

But what say you now to King *Edward* the third? in whose time (and during the time of this victorious King, no man durst take Armes or rebell) the three estates did him the greatest affront that ever King received or endured: Therefore I conclude where began, that these Parliaments are dangerous for a King.

I u s r. To answer your Lordship in order, may it please you first to call to mind, what was given this great King by his Subjects before the dispute betwixt him and the House happened, which was in his latter dayes; from his first year to his fifth year there was nothing given the King by his Subjects. In his eighth year at the Parliament at *London*, a tenth and a fifteenth was granted. In his tenth year he ceased upon the *Italian* goods here in *England* to his own use, with all the goods of the *Monks*, *uniackes* and others, of the order of the *Cisterians*. In the eleventh year, he had given him by the Parliament a notable releif, the one half of the *Wools* throughout *England*, and of the *Clergy* all their *Wools*; after which, in the end of the year he had granted in his Parliament at *Westmin-*

ster, forty shillings upon every sac of Wooll, and for every thirty Wooll-fells forty shillings, for every last of Leather, as much, and for all other merchandizes after the same rate. The King promising, that this years gathering ended, he would thenceforth content himself with the old custome he had over and above this great aide the eighth part of all goods of all Citizens and Burgessees; and of other, of foreign Merchants, and such as lived not of the gain of breeding of sheep and cattell the fifteenth of their goods. Nay, my Lord, this was not all, though more than ever was granted to any King; for the same Parliament bestowed on the King the ninth sheaf of all the Corn within the Land the ninth Fleece, and the ninth Lamb for two years next following; now what think your Lordship of this Parliament?

COUNS. I say they were honest men.

IUS R. And I say, the people as loving to their King now, as ever they were, if they be honestly and wisely dealt withall, and so his Majesty hath found them in his last Parliaments, if his Majesty had

been betrayed by those whom he most trusted.

COUNS. But I pray you Sir, who shall a King trust, if he may not trust those whom he hath so greatly advanced?

IUST. I will tell your Lordship whom the King may trust.

COUNS. Who are they?

IUST. His own reason, and his own excellent Iudgement which have not deceived him in any thing; wherein his Majesty hath been pleased to exercise them, *Take Counsel of thine heart* (saith the book of Wisdom) *for there is none more faithfull unto thee then is.*

COUNS. It is true, but his Majesty found that those wanted no judgement whom he trusted, and how could his Majesty divine of their honesties?

IUST. Will you pardon me if I speak freely, for if I speak out of mee, which (as Solomon saith) *covereth all trespasses*, The truth is, that his Majesty would never believe any man that spake against them, and they knew it well enough, which gave them boldness to do what they did.

COUNS. What was that?

IUST. Even, my good Lord, to

ruine the Kings estate so far as the state of so great a King may be ruin'd by men ambitious and greedy without proportion. It had been a brave increase of revenue, my Lord, to have raised 30000 l. Land of the Kings to 20000 l. revenue, and to raise the revenue of wards to 20000 l. more; 40000 l. added to the rest of his Majesties estate, had so enabled his Majesty, as he could never have wanted. And my good Lord, it had been an honest service to the King, to have added 7000 l. lands of the Lord Cobhams, his woods and goods being worth 30000 l. more.

COUNS. I know not the reason why it was done.

JUR. Neither doth your Lordship perchance know the reason why the 10000 l. offer'd by Swinnerton for a fine of the French wines, was by the then Lord Treasurer conferr'd on Devonshire and his Mistress.

COUNS. What mov'd the Treasurer to reject and cross that raising of the Kings lands?

JUR. The reason my good Lord, is manifest, for had the land been raised, then had the King known when he had given or exchanged land, what

what he had given or exchanged.

COUNS. What hurt had been to the Treasurer whose Office is truly to inform the King of the value of all that he giveth?

IUST. So he did, when it did not concern himself nor his particular, for he could never admit any one peece of a good manner to passe in my Lord *Aubignes* book of 1000 l. land, till he himself had bought, and then all the remaining flowers of the Crown were culled out. Now, had the Treasurer suffer'd the Kings lands to have been raised, how could his Lordship have made choice of the old rents, as well in that book of my Lord *Aubigne*, as in exchange of *Thenbalds*, for which he took *Hatfield* in it, which the greatest subject or favorite Queen *Elizabeth* had never durst have named unto her by way of gift or exchange? Nay my Lord, so many other goodly manors have passed from his Majesty, as the very heart of the Kingdome mourneth to remember it, and the eyes of the Kingdome shedde tears continually at the beholding it: yea the soul of the Kingdome is heavy unto death with the consideration thereof, that so

magnanimous a Prince should suffer himself to be so abated.

COUNS. But Sir you know that *Cobham's* lands were entailed upon his Cozens,

IUST. Yea my Lord, but during the lives and races of *George Brooke* his children, it had been the Kings; that is to say, for ever in effect; but to wrest the King, and to draw the inheritance upon himself, he perswaded his Majesty to relinquish his interest for a pretty summe of mony; and that there might be no counter-working, he sent *Brook* 6000 l. to make friends, whereof Lord *Hume* had 2000 l. back again, *Buckhurst* and *Warwick* had the other 4000 l. and the Treasurer and his heirs the mals of land for ever.

COUNS. What then I pray you came to the King by this confiscation?

IUST. My Lord, the Kings Majesty by all those goodly possessions, Woods and goods looeth 500 l. by the year which he giveth in pension to *Cobham*, to maintain him in prison.

COUNS. Certainly, ever in conscience they should have reserved so much of the land in the Crown, as to have

we given Cobham meat and apparell,
and not made themselves so great
gainers, and the King sool. (*per an-*
tim) looser by the bargain, but it is
said: *Consilium non est eorum quæ fieri*
queunt.

Jus r. Take the rest of the Sen-
tence, my Lord: *Sed consilium versa-*
rum in illis quæ sunt in nostra potestate. It is
yet, my good Lord, in potestate Re-
gis, to right himself. But this is not
all, my Lord; and I fear me, know-
ing your Lordships love to the King,
it would put you in a fever to hear
all; I will therefore go on with my
Parliaments.

COUNS. I pray do so; and a-
mongst the rest, I pray you what say
you to the Parliament holden at Lon-
don in the fifteenth year of King Ed-
ward the third?

Jus r. I say there was nothing con-
cluded therein to the prejudice of the
King. It is true, that a little before
the sitting of the House, the King dis-
placed his Chancellour and his Trea-
surer, and most of all his Iudges and
Officers of the Exchequer, and com-
mitted many of them to prison, be-
cause they did not supply him with
money, being beyond the Seas, for

the rest, the States assembled, besought the King that the Lawes of the two Charters might be observed, and that the great Offices of the Crown might be chosen by Parliament.

COUNS. But what success had these petitions?

IUS R. The Charters were observed, as before, and so they will be ever; and the other petition was not rejected, the King being pleas'd, notwithstanding, that the great Officers should take an oath in Parliament to do Justice. Now for the Parliament of *Westminster* in the seventeenth year of the King, the King had three marks and a half for every sack of Wooll transported; and in his eighteenth he had a tenth of the Clergy, & a fifteenth of the Laity for one year. His Majesty forbore after this to charge his Subjects with any more payments, untill the twenty ninth of his reign, when there was given the King by parliament fifty for every sack of Wooll transported for six years; by which grant, the King received a thousand marks a day, a greater matter then a thousand pounds in these dayes, and a 1000 l. a day amounts to 365000 l. a year, which was one of the greatest presents

presents that ever was given to a King of this land. For besides the cheapness of all things in that age, the Kings souldiers had but .3d. a day wages, a man at armes 6d. a Knight but 2s. In the Parliament at *Westminster*, in the 33th. year he had 26 s. 8 d for every sack of wooll transported, and in the 42th. year 3 dismes and 3 fiftens. In his 45th. year he had 50000 l. of the Laity; and because the Spirituality disputed it, and did not pay so much, the King chang'd his Chancellour, Treasurer, & Privy Seal, being Bishops, and placed Lay-men in their room.

COUNS. It seems that in those dayes the Kings were no longer in love with their great Chancellours, then when they deserved well of them.

IUST. No my Lord, they were not, and that was the reason they were well served, and it was the custome then, and in many ages after, to change the Treasurer and the Chancellour every 3 years, and withall to hear all mens complaints against them.

COUNS. But by this often change, the saying is verified, that there is no inheritance in the favour of Kings.

He that keepeth the figg-tree (Saith Solomon) shall eat the fruit thereof ;

C S

for

for reason it is that the servant live by the Master.

I u s r. My Lord, you say well in both, but had the subject an inheritance in the Princes favour, where the Prince hath no inheritance in the Subjects fidelity, then were Kings in more unhappy estate then common persons: for the rest, *Solomon* meaneth not, that he that *keepeth the figge tree* should surfet, though he meant he should eat, he meant not he should break the branches in gathering the figs, or eat the ripe, and leave the rotten for the owner of the tree; for what saith he in the following chapter? he saith, that *he that maketh haste to be rich cannot be innocent.* And before that, he saith, *that the end of an inheritance hastily gotten, cannot be blessed.* Your Lordship hath heard of few or none great with Kings, that have not used their power to oppress, that have not grown insolent and hateful to the people; yea, insolent towards those Princes that advanced them.

C o u n s. Yet you see that Princes can change their fancies.

I u s r. Yea my Lord, when favorites change their faith, when they forget that how familiar soever Kings
make

make themselves with their Vassals, yet they are Kings: *He that provoketh a King to anger (saith Solomon) sinneth against his own soul.* And he further saith, that *pride goeth before destruction, and a high mind before a fall.* I say therefore, that in discharging those Lucifers, how dear soever they have been, Kings make the world know that they have more of judgement then of passion, yea, they thereby offer a satisfactory sacrifice to all their people, too great benefits of Subjects to their King, where the minde is blown up with their own deservings, and too great benefits of Kings conferr'd upon their Subjects, where the minde is not qualified with a great deal of modesty are equally dangerous. Of this later and insolenter, had King Richard the second delivered up to Iustice but three or four, he had still held the love of the people, and thereby his life and estate.

COUNS. Well, I pray you go on with your Parliaments.

IUS R. The life of this grear King Edward drawes to an end, so do the Parliaments of this time, where in fifty years reign, he never received any affliction, for in his forty ninth year he had
a disme

a disme and a fifteenth granted him freely.

COUNS: But Sir it is an old saying, That all is well that ends well. Iudge you whether that in his fifteenth year in Parliament at *Westminster* he received not an affront, when the House urged the King to remove and discharge from his presence the Duke of *Lancaster*, the Lord *Latimer* his Chamberlain, Sir *Richard Sturry*, and others whom the King favored and trusted. Nay, they pressed the King to thrust a certain Lady out of Court, which at that time bare the greatest sway therein.

IUS R. I will with patience answer your Lordship to the full, and first your Lordship may remember by that which I even now said, that never King had so many gifts as this King had from his Subjects, and it hath never grieved the Subjects of *England* to give to their King, but when they knew their was a devouring Lady, that had ever share in all things that passed, and the Duke of *Lancaster* was as scraping as she, that the Chancellour did eat up the people as fast as either of them both. It grieved the Subjects to feed these Cormorants.

But

But, my Lord, there are two things by which the Kings of *England* have been prest, (to wit) by their subjects, and by their own necessities. The Lords in former times were farre stronger, more warlike, better followed, living in their Countries, then now they are. Your Lordship may remember in your reading, that there were many Earls could bring into the field a thousand Barbed hories, many a Baron 5. or 600. Barbed horses, whereas now very few of them can furnish twentie fit to serve the King. But to say the truth my Lord, the Justices of peace in *England* have opposed the unjusticers of war in *England*, the Kings writ runs over all, and the great Seal of *England*, with that of the next Constables, will serve the turn to affront the greatest Lords in *England* that shall move against the King. The force therefore by which our Kings in former times were troubled is vanished away but the necessities remain. The people therefore in these later ages, are no less to be pleased then the Peers, for as the later are become less, so by reason of the training through *England*, the Commons have all the weapons in their hand.

COUNS. And was it not so ever ?

IUST. No my good Lord ; for the Noblemen had in their Armories , to furnish some of them a thousand, some two thousand , some three thousand men, whereas now there are not many that can arm fifty.

COUNS. Can you blame them ? But I will onely answer for my self, between you and me be it spoken ; I hold it not safe to maintain so great an Armory or Stable , it might cause me , or any other Nobleman to be suspected , as the preparing of some Innovation.

IUST. Why so my Lord, rather to be commended as preparing against all danger of Innovation.

COUNS. It should be so but call your observation to accompt, and you shall find it as I say, for (indeed) such a jealousie hath been held ever since the time of the Civil wars, over the Military greatness of our Nobles , as made them have little will to bend their studies that wayes : wherefore let every man provide according as he is rated in the Muster Book, you understand me.

IUST. Very well my Lord , as what might be replied in the perceiving

ving so much; I have ever (to deal plainly and freely with your Lordship) more feared at home popular violence, than all the foreign that can be made, for it can never be in the power of any foreign Prince without a Papislicall party, rather to disorder or endanger his Majesties Estate.

COUNS. By this it seems, it is no less dangerous for a King to leave the power in the people, then in the Nobility.

JUST My good Lord, the wisdom of our own age, is the foolishness of another, the time present ought not to be preferred to the policy that was, but to the policy that was to the time present, so that the power of the Nobility being now withered, and the power of the people in the flower, the care to content them would not be neglected, the way to win them often practised, or at least to defend them from oppression. The motive of all dangers that ever this Monarchy hath undergone, should be carefully heeded, for this Maxime hath no postern, *Potestas humana radicatur in voluntatibus hominum*. And now, my Lord, for King Edward, it is true, though he were not subject to force

force, yet was he subject to necessity, which because it was violent, he gave way unto it, *Potestas* (saith *Pythagoras*) *juxta necessitatem habitat*. And it is true, that at the request of the House he discharged and put from him those before named; which done, he had the greatest gift (but one that ever he received in all his dayes; (to wit) from every person, man and woman, above the age of fourteen years 4 d. of old money, which made many millions of Groats worth 6 l. of our money. This he had in general: besides he had of every beneficed Priest 12 d. and of the Nobility and Gentrey, I know not how much, for it is not set down. Now, my good Lord, what lost the King by satisfying the desires of the Parliament House? for as soon as he had the money in purse, he recalled the Lords and restored them, and who durst call the King to account, when the Assembly were dissolved? *Where the word of a King is, there is power* (saith *Ecclesiasticus*) *who shall say unto him, what doest thou?* saith the same Authour: for every purpose there is a time and judgement; the King gave way to the time, and his judgement perswaded him to yield to necessity, *Consularius*

nemo melior quam tempus.

COUNS. But yet you see the King was forc'd to yield to their demands.

I u s r. Doth your Lordship remember the saying of *Monfieur de Lange*, That he that hath profit of the war, hath also the honour of the war, whether it be by battail or retreat? The King you see hath the profit of the Parliament, and therefore the honour also; what other end had the King then to supply his wants? A wise man hath evermore respect unto his ends: and the King also knew that it was the love that the people bare him, that they urged the removing of those Lords: there was no man among them that sought himself in that desire, but they all sought the King, as by the success it appeared. My good Lord, hath it not been ordinary in *England* and in *France* to yield to the demands of rebels, Did not King *Richard* the second grant pardon to the outrageous rogues and murderers that followed *Iack Straw*, and *Wat Tyler*, after they had murdered his Chancellour, his Treasurer, Chief Iustice, and others, brake open his Exchequer, and committed all

all manner of outrages and villanies, and why did he do it, but to avoid a greater danger: I say the Kings have then yielded to those that hated them and their estates, (to wit) to pernicious Rebels. And yet without dishonour: shall it be called dishonour for the King to yield to honest desires of his subjects? No my Lord, those that tell the King those tales, fear their own dishonours, and not the Kings; for the honour of the King is supreme, and being guarded by justice and piety, it cannot receive neither wound nor stain.

COUNS. But Sir, what cause have any about our King to fear a Parliament?

IUST. The same cause that the Earl of *Suffolk* had in *Richard* the second's time, and the Treasurer *Fartham* with others; for these great Officers being generally hated for abusing both the King and the Subject at the request of the States were discharged, and others put in their rooms.

COUNS. And was not this dishonour to the King?

IUST. Certainly no, for King *Richard* knew that his Grandfather had done the like, and though the
King

King was in his heart utterly against it, yet had he the profit of this exchange; for *Suffolk* was fined at 20000 Marks, and 1000l. Lands.

COUNS. Well Sir, we will speak of those that fear the Parliament some other time: but I pray you go on with that, that happened in the troublesome Reign of *Richard* the Second who succeeded, the Grandfather being dead.

IUST. That King, my good Lord, was one of the most unfortunate Princes that ever *England* had, he was cruel, extream prodigal, and wholly carried away with his two Minions, *Suffolk*, and the Duke of *Ireland*, by whose ill advice and others, he was in danger to have lost his estate, which in the end (being led by men of the like temper) he miserably lost. But for his Subsidies he had given him in his first year being under age two Tenth, and two Fifteens: In which Parliament, *Alice Pierce*, who was removed in King *Edwards* time, with *Lancaster*, *Latimer*, and *Sturmy*, were confiscate and banished: in his second year at the Parliament at *Glocester*, the King had a Mark upon every sack of *Wool*, and 6 d. the pound upon Wards.

wards. In this third year at the Parliament at *Winchester*, the Commons were spared, and a subsidy given by the better sort, the Dukes gave 20 marks, and Earls 6 marks, Bishops and Abbots with Myters 6 marks, every mark 3s. 4d. and every Knight, Justice, Esquire, Sheriff, Parson, Vicar, and Chaplain paid proportionably according to their estates.

C O U N S. This methinks was no great matter.

I u s r. It is true my Lord, but a little money went far in those dayes: I myself once moved it in Parliament, in the time of Queen *Elizabeth*, who desired much to spare the common people, and I did it by her Commandment; but when we cast up the subsidy Books, we found the summe but small, when the 30 l. men were left out. In the beginning of his fourth year, a tenth with a fifteen were granted upon condition, that for one whole year no subsidies should be demanded; but this promise was as suddenly forgotten as made; for in the end of that year, the great subsidy of Poll-money was granted in the Parliament at *Northampton*.

C O U N S. Yea, but there followed the

the terrible Rebellion of *Baker, Straw,*
and others, *Leister, Wrais,* and others.

I u s r. That was not the fault of
the Parliament, my Lord; it is ma-
nifest, that the subsidy given was not
the cause: for it is plain, that the bond-
men of *England* begun it, because
they were grievously prest by their
Lords in their tenure of Villanage, as
also for the hatred they bare to the
Lawyers and Attorneys: for the sto-
ry of those times say, that they destroy-
ed the Houses and Mannors of men
of Law: and such Lawyers as they
caught, slew them, and beheaded the
Lord chief Justice; which commotion
being once begun, the head money was
by other Rebels pretended. A fire is of-
ten kindled with a little straw which of-
tentimes takes hold of greater timber,
and consumes the whole Building:
And that this Rebellion was begun by
the discontented slaves (whereof there
have been many in Elder times the
like) is manifest by the *Charter of Ma-
numission*, which the King granted in
hæc verba, Rich. De gratiâ, &c. Sciatis
quod de gratiâ nostrâ spirituali manumis-
simus, &c. to which, seeing the King
was constrained by force of Armes,
he revoked the Letters Patents,
and

and made them void, the same Revocation being strengthened by the Parliament ensuing, in which the King had given him a Subsidy upon Wools, called a *Maletot*: In the same fourth year was the Lord Treasurer discharged of his Office, and *Hales* Lord of *St. John*: chosen in his place. In his fifth year was the Treasurer again changed, and the Staff given to *Segrave*, and the Lord Chancellor was also changed, and the Staff given to the Lord *Scroop*: Which Lord *Scroop* was again in the beginning of his sixth year turned off, and the King (after that he had for a while kept the Seal in his own hand) gave it to the Bishop of *London*, from whom it was soon after taken and bestowed on the Earl of *Suffolk*, who they say had abused the King, and converted the Kings Treasure to his own use. To this the King contended; and though (saith *Walsingham*) he deserved to loose his life and goods, yet he had the favour to go at liberty upon good sureties, and because the King was but young: and that the relief granted was committed to the trust of the Earl of *Arundel* for the furnishing of the Kings Navy against the *French*.

COUNS.

COUNS. Yet you see it was a dishonour to the King to have his beloved Chancellour removed.

IUST. Truly no, for the King had both his fine 1000l. Lands and a subsidy to boot. And though for the present it pleased the King to fancy a man all the world hated (the Kings passion overcoming his judgement) yet it cannot be called a dishonour, for the King is to believe the generall counsell of the Kingdome, and to prefer it before his affection, especially when *Suffolk* was proved to be false even to the King; for were it otherwise, love and affection might be called a frenzie and a madness: for it is the nature of humane passions, that the love bred by fidelity, doth change it self into hatred, when the fidelity is first changed into falshood.

COUNS. But you see there were thirteen Lords chosen in the Parliament, to have the oversight of the government under the King.

IUST. No my Lord, it was to have the oversight of those Officers, which (saith the storie) had imbezeled, lewdly wasted, and prodigally spent the Kings Treasure, for to the Commission to those Lords, or to any six
of

of them joyn'd with the Kings Counsell, was one of the most royall and most profitable that ever he did, if he had been constant to himself. But my good Lord, man is the cause of his own misery, for if I will repeat the substance of the Commission granted by the King, and confirmed by Parliament, which, whether it had been profitable for the King to have prosecuted, your Lordship may judge. The preamable hath these words : *Whereas our Sovereign Lord the King perceiveth by the grievous complaints of the Lords and Commons of this Realm, that the rents, profits, and revenues of this Realm, by the singular and insufficient Council and evil government, as well of some his late great Officers and others, &c. are so much withdrawn, wasted, given, granted, alienated, destroyed, and evil dispended, that he is so much impoverished and void of treasure and goods, and the substance of the Crown so much diminished and destroyed, that his estate may not honourably be sustained as appertaineth. The King of his free will at the request of the Lords and Commons, hath ordained William Archbishop of Canterbury and others with his Chancellour, Treasurer, Keeper of his privy Seal, to survey*

survey and examine as well the estate and governance of his house, &c. as of all the rents, and profits, and revenues that to him appertaineth, and to be due, or ought to appertain and be due, &c. And all manner of gifts, grants, alienations and confirmations made by him of lands, tenements, rents &c. bargained and sold to the prejudice of him and his Crown, &c. and of his jewels and goods which were his Grandfathers at the time of his death, &c. and where they be become.

This is in effect the substance of the commission, which your Lordship may read at large in the book of Statutes, this commission being enacted in the tenth year of the Kings reign. Now if such a commission were in these dayes granted to the faithfull men that have an interest in the sales, gifts nor purchases, nor in the keeping of the jewels at the Queens death, nor in the obtaining grants of the Kings best lands, I cannot say what may be recovered, and justly recovered; and what say your Lordship, was not this a noble act for the King, if it had been followed to effect?

COUNS. I cannot tell whether it were or no, for it gave power to the
D Com-

Commissioners to examine all the grants.

J u s t. Why my Lord, doth the King grant any thing, that shames at the examination? are not the Kings grants on record?

C o u n s. But by your leave, it is some dishonour to a King, to have his judgement called in question.

J u s t. That is true my Lord, but in this, or whensoever the like shall be granted in the future, the Kings judgement is not examined, but their knavery that abused the King. Nay, by your favour, the contrary is true, that when a King will suffer himself to be eaten up by a company of petty fellows, by himself raised, therein both his judgement and courage is disputed. And if your Lordship will disdain it at your own servants hands, much more ought the great heart of a King to disdain it. And surely my Lord, it is a greater treason (though it undercreep the law) to tear from the Crown the ornaments thereof: And it is an infallible Maxime, that he that loves not his Majesties estate, loves not his person.

C o u n s. How came it then, that the act was not executed?

J u s t.

I u s r. Because these , against whom it was granted , perswaded the King to the contrary ; as the Duke of Ireland, Suffolk, the chief Iustice Tresilian, and others ; yea, that which was lawfully done by the King, and the great Council of the Kingdome, was (by the masterie which Ireland, Suffolk, and Tresilian had over the Kings affections) broken and disavowed. Those that devised to relieve the King, not by any private invention, but by general Council, were by a private and partial assembly adjudged traytors, and the most honest Judges of the land, enforced to subscribe to that judgement. In so much that the Iudge Belknap plainly told the Duke of Ireland, and the Earl of Suffolk, when he was constrained to set his hand, plainly told these words, that he wanted but a rope, that he might therewith receive a reward for his subscription. And in this Council of Nottingham was hatched the mine of those which governed the King, of the Iudges by them constrained, of the Lords that loved the King, and sought a reformation, and the King himself ; for though the King found by all the Sheriffs of

the shires, that the people would not fight against the Lords, whom they thought to be most faithfull unto the King, when the Citizens of *London* made the same answer, being at that time able to arme 50000. men, and told the Mayor that they would never fight against the Kings friends, and defenders of the Realme, when the Lord *Ralph Basset*, who was near the King, told the King boldly that he would not adventure to have his head broken for the Duke of *Ireland's* pleasure, when the Lord of *London* told the Earl of *Suffolk* in the Kings presence, that he was not worthy to live &c. yet would the King in the defence of the destroyes of his estate, lay ambushes to entrap the Lords, when they came upon his faith, yea when all was pacified, and that the King by his proclamation had clear'd the Lords, and promised to produce *Ireland*, *Suffolk*, and the Archbishop of *York*, *Trisilian*, and *Bramber*, to answer at the next Parliament, these men confest, that they durst not appear; and when *Suffolk* fled to *Callice*, and the Duke of *Ireland* to *Chester*, the King caused an army to be levied in *Lancashire*, for the safe conduct of the

the Duke of *Ireland* to his presence, when as the Duke being encountered by the Lords, ranne like a coward from his company, and fled into *Holland*. After this was holden a Parliament, which was called that wrought wonders. In the Eleventh year of this King wherein the forenamed Lords, the Duke of *Ireland* and the rest, were condemned and confiscate, the Chief Justice hanged, with many others, the rest of the Iudges condemned, and banisht and a 10. and a 15. given to the King.

COUNS. But good Sir: the King was first besieged in the Tower of *London*, and the Lords came to the Parliament, and no man durst contradict them.

IUS R. Certainly in raising an army, they committed treason, and though it appear, that they loved the King (for they did him no harm, having him in their power) yet our law doth construe all levying of war without the Kings commission, and all force raised to be intended for the death and destruction of the King, not attending the sequel. And it is so judged upon good reason, for every unlawfull and ill action is supposed

to be accompanied with an ill intent. And besides these Lords used too great cruelty; in procuring the sentence of death against divers of the Kings servants, who were bound to follow and obey their Master and Sovereigne Lord, in that he commanded,

COUNS. It is true, and they were also greatly to blame to cause then so many seconds to be put to death, seeing the principals, *Ireland, Suffolk, and York* had escaped them. And what reason had they to seek to inform the State by strong hand, was not the Kings estate as dear to himself as to them? He that maketh a King know his errour mannerly and privately, and gives him the best advice, he is discharged before God and his own conscience. The Lords might have retired themselves, when they saw they could not prevail, and have left the King to his own wayes, who had more to lose then they had.

IUST. My Lord, the taking of Armes cannot be excused in respect of the law, but this might be said for the Lords, that the King being under yeares, and being wholly governed by their

their enemies, and the enemies of the kingdome, and because by those evil mens perswasions, it was advised, how the Lords should have been murdered at a feast in *London*, they were excusable during the Kings minority to stand upon their guard against their particular enemies. But we will pass over & go on with our Parliaments that followed, whereof that of *Cambridge* in the Kings 12th. year was the next, therein the King had given him a 10th. and a 15th. after which being 20. yeares of age rechanged (saith *H. Knighton*) his Treasurer, his Chancellour, the Iustices of either bench, the Clerk of the privy seal and others, and took the government into his own hands. He also took the Admirals place from the Earle of *Arundel*, and in his room he placed the Earle of *Huntingdon* in the year following, which was the 13th. year of the K. In the Parliament at *Westminster* there was given to the King upon every sack of Wool 14 s. and 6 d. in the pound upon other Merchandise.

COUNS. But by your leave, the King was restrained this Parliament, that he might not dispose of, but a third part of the money gathered.

I u s r. No my Lord, by your favour. But true it is that part of this money was by the Kings consent assigned towards the wars, but yet left in the Lord Treasurers hands, and my Lord it would be a great ease, and a great saving to his Majesty, our Lord and Master, if it pleased him to make his assignments upon some part of his revenewes, by which he might have 1000 l upon every 10000 l. and save himself a great deal of clamour. For seeing of necessity the Navy must be maintained, and that those poor men as well Carpenters as Ship-keepers must be paid, it were better for his Majesty to give an assignment to the Treasurer of his Navy for the receiving of so much as is called ordinary, then to discontent those poor men, who being made desperate beggars, may perchance be corrupted by them that lay in wait to destroy the Kings estate. And if his Majesty did the like in all other payments, especially where the necessity of such as are to receive, cannot possible give dayes, his Majesty might then in a little rowle behold his receipts and expenses, he might quiet his heart when all necessities were provided for, and then

then dispose the rest at his pleasure. And my good Lord, how excellently and easily might this have bene done, if the 40000 l. had been raised as aforesaid upon the Kings lands, and wards; I say that his Majesties House, his Navy, his guardes his pensioners, his munition, his Ambassadors, and all else of ordinary charge might have been defrayed, and a great summe left for his Majesties casual expences and rewards. I will not say they were not in love with the Kings estate, but I say they were unfortunately borne for the King that crost it.

COUNS. Well Sir, I would it had been otherwise, But for the assignments, there are among us that will not willingly indure it. Charity begins with it self, shall we hinder our selves of 50000 l. *per annum* to save the King 20? No Sir, what will become of our New years gifts, our presents and gratuities? We can now say to those that have warrants for money, that there is not a penny in the Exchequer, but the King gives it away unto the Scots faster then it comes in.

IUSR. My Lord you say well, at least you say the truth, that such are
D s some

some of our answers, and hence comes that general murmure to all men that have mony to receive, I say that there is not a penny given to that Nation; be it for service or otherwise, but is spread over all the kingdome: yea they gather notes, and take copies of all the privy seals and warrants that his Majesty hath given for the money for the Scots, that they may shew them in Parliament. But of his Majesties gifts to the English, there is no bruit, though they may be tenne times as much as the Scots. And yet my good Lord, howsoever they be thus answered that to them that sue for money out of the Exchequer, it is due to them for 10. or 12. or 20. in the hundred, abated according to their qualities that sue. they are alwayes furnished. For conclusion, if it would please God to put into the Kings heart to make their assignments, it would save him many a pound, and gain him many a prayer, and a great deal of love, for it grieveth every honest mans heart to see the abundance which even the petty officers of the Exchequer, and others gather both from the King and subject, and to see a world of poore men

runne after the King for their ordinary wages.

COUNS. Well, well, did you never hear this old tale, that when there was a great contention about the weather, the Seamen complaining of contrary windes, when those of the high Countreys desired rain, and those of the valleys sunshining dayes, *Jupiter* sent them word by *Mercury*, then, when they had all done, the weather should be as it had been: And it shall ever fall out so with them that complain, the course of payments shall be as they have been, what care we what petty fellows say? or what care we for your papers? have we not the Kings cares, who dares contest with us? though we cannot be revenged on such as you are for telling the truth, yet upon some other pretence, wee'll clap you up, and you shall sue to us ere you get out. Nay wee'll make you confesse that you were deceived in your projects, and eat your own words: learn this of me Sir, that as a little good fortune is better then a great deal of virtue: so the least authority hath advantage over the greatest wit, was he not the wisest man that said *the bat*

was not the strongest, nor yet bread for the wise, nor riches to men of understanding, nor favour to men of knowledge: but what time and change came to them all.

I u s r. It is well for your Lordship that it is so. But **Qu.** *Elizabeth* would set the reason of a mean man, before the authority of the greatest Councillour she had, and by her patience therein she raised upon the usual and ordinary customes of London without any new imposition above 50000 l. a year, for though the Treasurer *Burleigh*, and the Earle of Leicester and Secretary *Walshingham*, all three pensioners to Customer *Smith*, did set themselves against a poor water of the Custome-house called *Carwarden*, and commanded the Groomes of the paivy Chamber not to give him access, yet the Queen sent for him, and gave him countenance against them all. It would not serve the turn, my Lord with her; when your Lordships would tell her, that the disgracing her great officers by hearing the complaints of busie heades, was a dishonour to her self, but she had alwayes this answer, *That if any men complain unjustly against a Magistrate, it were reason he should be severely punished, if justly,*

ly, she was Queen of the small, as well as of the great, and would hear their complaints. For my good Lord, a Prince that suffereth himself to be besieged, forsaketh one of the greatest regalities belonging to a Monarchy, to wit the last appeal, or as the French call it, *le dernier resort*.

COUNS. Well Sir, this from the matter I pray you go on.

IUST Then my Lord, in the Kings 15. year he had a tenth and a fifteen granted in Parliament of London. And that same year there was a great Councell called at Stamford, to which diverse men were sent for, of diverse countie besides the Nobilitie, of which the King took advice whether he should continue the war, or make a final end with the French.

COUNS. What needed the King to take the advice of any but of his own Councell in matter of peace or warre.

IUST Yea my Lord, for it is said in the Proverbs, *where is many counsellors, there is health*, And if the King had made the warre by a general consent, the Kingdome in general were bound to maintain the warre,

and they could not then fly when the King required aid, that he undertook a needlesse warre.

C O U N S. You say well, but I pray you go on.

I u s r. After the subsidy in the 15. year, the King desired to borrow 10000 l. of the Londoners, which they refused to lend.

C O U N S. And was not the King greatly troubled therewith.

I u s r. Yea, but the King troubled the Londoners soon after, for the King took the advantage of a riot made upon the Bilhop of Salisbury his men, sent for the Major, and other the ablest citizens, committed the Major to prison in the Castle of Windsor, and others to other castles, and made a Lord Warden of this City, till in the end, what with 10000 l. ready money and other rich presents, instead of lending 10000 l. it cost them 20000 l. Between the fifteenth year and twentieth year, he had two aides given him in the Parliaments of Winchester and Westminster: and this later was given to furnish the Kings journey into Ireland, to establish that estate which was greatly shaken since the death of the

the Kings Grandfather, who received thence yearly 30000 l, and during the Kings stay in Ireland he had a 10th, and 5th. granted.

COUNS. And good reason, for the King had in his army 4000, horse and 30000, foot.

IUST. That by your favour, was the Kings safety: for great armies do rather devour themselves then destroy enemies. Such an army, (whereof the fourth part would have conquered all Ireland) was in respect of Ireland such an army as Xerxes led into Greece. In this twentieth year, wherein he had a tenth of the Clergy, was the great conspiracy of the Kings uncle the Duke of Gloucester, and of Moubrey, Arundell, Nottingham, and Warwick, the Archbishop of Canterbury and the Abbot of Westminster, and others, who in the one and twentieth year of the King were all redeemed by Parliament, and what thinks your Lordship, was not this assemblie of the 3 states for the Kings estate, wherein he so prevailed, that he not onely overthrew those popular Lords, but besides (the English Chronicle saith) the King so wrought and brought things about, that he obtained
the

the power of both houses to be granted to certain persons, to 15. Noblemen and Gentlemen, or to seven of them.

COUNS. Sir, whether the King wrought well or ill I cannot judge, but our Chronicles say, that many things were done in this Parliament, to the displeasure of no small number of people, to wit, for that diverse rightfull heires were disinherited of their lands and livings, with which wrongfull doings the people were much offended, so that the King with those that were about him, and chief in Councel, came into great infamy and slander.

IUST. My good Lord, if your Lordship will pardon me, I am of opinion that those Parliaments wherein the Kings of this land have satisfied the people, as they have been ever prosperous, so where the King hath restrained the house, the contrary hath happened, for the Kings atchievements in the Parliament, were the ready preparations to his ruine.

COUNS. You mean by the general discontentment that followed, and because the King did not proceed legally with Gloucester and others, Why
Sir,

Sir, this was not the first time that the Kings of *England* have done things without the Counsel of the land : yea, contrary to the law.

I u s r. It is true my Lotd in some particulars, as even at this time the Duke of *Glocester* was made away at *Calice* by strong hand, without any lawful trial : for he was a man so beloved of the people and so allied, having the Dukes of *Lancaster*, and *York* his brethren, the Duke of *Aumaric*, and the Duke of *Hereford* his Nephews, the great Earles of *Arundell* and *Warwick*, with divers others of his part in the conspiracy, as the King durst not trie him according to the Law : for at the trial of *Arundell* and *Warwick*, the King was forced to entertain a pretty army about him. And though the Duke was greatly lamented, yet it cannot be denied but that he was then a traytor to the King. And was it not so my Lord with the Duke of *Guise* ? your Lordship doth remember the spur-gald proverb, *that necessity hath no law* ; and my good Lord, it is the practice of doing wrong, and of general wrong done, that brings danger, and not where Kings are prest in this or that

that particular, for there is great difference between natural cruelty and accidental. And therefore it was *Machiavels* advice, that all that a King did in that kind, he shall do at once, and by his mercy afterwards make the world know that his cruelty was not affected. And my Lord take this for a general rule, that the immortal policy of a state cannot admit any law or privilege whatsoever, but in some particular or other, the same is necessarily broken, yea in an *Aristocracie*, or popular estate, which vaunts so much of equality and common right, more outrage hath been committed then in any Christian Monarchy.

COUNS. But whence came this hatred between the Duke and the King his Nephew.

IUST. My Lord, the Dukes constraining the King, when he was young, stuck in the Kings heart, and now the Dukes proud speech to the King when he had rendred *Brest* formerly engaged to the Duke of Britain, kindled again these coales that were not altogether extinguished, for he used these words: *Your grace ought to put your body in great pain to winne a strong hold or town by feats of armes, ere you*
take

take upon you to sell or deliver any town gotten by the manhood and strong hand and policy of your noble progenitors. Whereas, saith the story, the King changed his countenance, &c. and to say truth, it was a proud and masterly speech of the Duke; besides that inclusively he taxed him of sloth and cowardise, as if he had never put himself to the adventure of winning such a place: undutiful words of a subject do often take deeper root then the memory of ill deeds do: the Duke of Biron found it when the King had him at advantage. Yea the late Earle of Essex told Queen Elizabeth that her conditions was as crooked as her carkasse: but it cost him his head, which his insurrection had not cost him, but for that speech, *who will say unto a King (saith Iob) thou art wicked.* Certainly it is the same thing to say unto a Lady, thou art crooked (and perchance more) as to say unto a King that he is wicked, and to say that he is a coward, or to use any other words of disgrace, it is one and the same error.

Cours. But what say you for Arundell, a brave and valiant man, who had the

the Kings pardon of his contempt during his minority.

I u s r. My good Lord, the Parliament which you say disputes the Kings prerogative, did quite contrary, and destroyed the Kings Charter and pardon formerly given to *Arundell*. And my good Lord, do you remember, that at the Parliament that wrought wonders, when these Lords compounded that Parliament, as the King did this, they were so merciless towards all, that they thought their enemies, as the Earl of *Arundell* most insolently suffered the Qu. to kneel unto him three hours for the saving of one of her servants, and that scorn of his *manebat alto mente repositum*. And to say the truth, it is more barbarous and unpardonable then any act that ever he did permit the wife of his Sovereign to kneel to him being the Kings vassal. For if he had saved the Lords servant freely at her first request, it is like enough that the Queen would also have saved him, *Miseris succurrens paria obtinebis aliquando*: For your Lordship sees that the Earle of *Warwick* who was as far in the treason as any of the rest, was pardoned. It was also at this Parlia-

liament that the Duke of Hereford accused Moubray Duke of Norfolk, and that the Duke of Hereford, Son to the Duke of Lancaster, was banished to the Kings confusion, as your Lordship well knows.

COUNS. I know it well, and God knows that the King had then a silly and weak Council about him, that perswaded him to banish a Prince of the blood, a most valiant man, and the best beloved of the people, in general of any man living, especially considering that the King gave every day more then other offence to his subjects. For besides that he fined the inhabitants that assisted the Lords in his Minority (of the 17. shires) which offence he had long before pardoned, his blank Charters, and letting the Realm to farm to mean persons, by whom he was wholly advised, increased the peoples hatred toward the present government.

IUST. You say well my L. Princes of an ill destiny do always follow the worst counsel, or at least embrace the best after opportunity is lost, *Qui consilia non ex suo corde sed alienis viribus colligunt, non animo sed auribus cogitant.* And this was not the least grief of the subject

subject in general, that those men had the greatest part of the spoil of the common-wealth, which neither by virtue, valour or counsel could adde any thing unto it. *Nihil est sordidius, nihil crudelius* (saith *Anton. Pius*) *quam si Kemp. ij arrodunt, qui nihil in eam suo labore conferunt.*

C O U N S. Indeed the letting to farm the Realm was very grievous to the subject.

I u s r. Will your Lordship pardon me if I tell you that the letting to farm of his Majesties customes (the greatest revenue of the Realm) is not very pleasing.

C O U N S. And why I pray you, doth not the King thereby raise his profits every third year, and one farmer outbids another to the Kings advantage.

J u s r. It is true my Lord, but it grieves the Subject to pay custome to the subject, for what mighty men are those Farmers become, and if those Farmers get many thousands every year, as the world knows they do, why should they not now (being men of infinite wealth) declare unto the King upon oath, what they have gained, and henceforth become the Kings Collectours of his Custome, did not
Queen

Queen *Elizabeth* who was reputed both a wife and just Princess, after she had brought *Customer Smith* from 14000 l. a year to 42000 l. a year, made him lay down a recompence for that which he had gotten? and if these Farmers do give no recompence, let them yet present the King with the truth of their receivings and profit. But my Lord for conclusion, after *Bullingbrook* arriving in *England* with a small troop: Notwithstanding the King at his Landing out of *Ireland*, had a sufficient and willing army; yet he wanting courage to defend his right, gave leave to all his Souldiers to depart, and put himself into his hands that cast him into his grave.

COUNS. Yet you see he was depos'd by Parliament.

JUR. Aswell may your Lordship say he was knock't in the head by Parliament, for your Lordship knowes that if King *Richard* had ever escaped out of their fingers that deposed him, the next Parliament would have made all the deposers, traitours and rebels, and that justly. In which Parliament, or rather unlawfull assembly, there appeared but one honest man, to wit, the B. of *Carlile*, who scorned

scorned his life, and estate, in respect of right and his allegiance, and defended the right of his Sovereign Lord against the Kings elect and his partakers.

COUNS. Well, I pray goe on with the Parliaments held in the time of his successor *Henry* the fourth.

IUST. This King had in his third year a subsidy, and in his fifth a tenth of the Clergy without a Parliament. In his sixth year he had so great a subsidy, as the House required there might be no record thereof left to posterity, for the House gave him 20s. of every Knights Fee, and of every 20l. land, 20d. and 12d. the pound of goods.

COUNS. Yea, in the end of this year, the Parliament prest the King to annex unto the Crown all temporal possessions belonging to Church men within the land, which at that time was the third part of all *England*. But the Bishops made friends, and in the end saved their estates.

IUST. By this you see, my Lord, that *Cromwell* was not the first that thought on such a business. And if King *Henry* the 8. had reserved the Abbeyes, and other Church lands which he had
given

given at that time, the Revenue of the Crown of *England* had exceeded the Revenue of the Crown of *Spain*, with both the *Indies*, whereas used as it was (a little enriched the Crown) served but to make a number of pettifoggers, and others Gentlemen.

COUNS. But what had the King instead of this great Revenue?

IUST. He had a fifteenth of the Commons, and tenth, and a half of the Clergy; and withall, all pensions granted by King *Edward*, and King *Richard* were made void. It was also moved, that all Crown-lands formerly given) at least given by King *Edw.* and King *Richard*) should be taken back.

COUNS. What think you of that, Sir? would it not have been a dishonour to the King? and would not his successors have done the like to those that the King had advanced?

IUST. I cannot answer your Lordship, but by distinguishing: for where the Kings had given land for services, and had not been over-reached in his gifts, there it had been a dishonour to the King, to have made void the Grants of his Predecessours, or his Grants, but all those Grants of the
E Kings,

Kings, wherein they were deceived, the very custome and policy of *England* makes them void at this day,

COUNS. How mean you that, for his Majesty hath given a great deal of Land among us since he came into *England*, and would it stand with the K. honour to take it from us again?

IUST. Yea, my Lord, very well with the Kings honour, if your Lordship, or any Lord else, have under the name of 100 l. land a year, gotten 500 l. land, and so after that rate.

COUNS. I will never believe that his Majesty will ever do any such thing.

IUST. And I believe as your Lordship doth, but we spake e're-while of those that dissuaded the King from calling a Parliament: And your Lordship asked me the reason, why any man should dissuade it, or fear it, to which, this place gives me an opportunity to make your Lordship answer, for though his Majesty will of himself never question those grants, yet when the Commons shall make humble Petition to the King in Parliament, that it will please his Majesty to assist them in his relief, with that which ought to be his own, which, if it will please his Majesty to yield unto;

the

the house will not willingly furnish & supply the rest; with what grace can his Majesty deny that honest suit of theirs; the like having been done in many Kings times before? This proceeding, my good Lord, may perchance prove all your phrases of the Kings honour, false *English*.

COUNS. But this cannot concern many, and for my self, I am sure it concerns me little.

JUR. It is true, my Lord, and there are not many that dissuade his Majesty from a Parliament.

CO. But they are great ones, a few of which will serve turn well enough.

JUR. But my Lord, be they never so great (as great as Gyants) yet if they dissuade the King from his ready and assured way of his subsistence, they must devise how the K. may be elsewhere supplied, for they otherwise run into a dangerous fortune.

COUNS. Hold you contented Sir, the King needs no great dissuasion.

JUR. My Lord, learn of me, that there is none of you all, that can pierce the King. It is an essential property of a man truly wise, not to open all the boxes of his bosom, even to those that are nearest and dearest unto

him, for when a man is discovered to the very bottome, he is after the less esteemed. I dare undertake, that when your Lordship hath served the King twice twelve years more, you will finde, that his Majesty hath reserved somewhat beyond all your capacities. His Majesty hath great reason to put off the Parliament, at his last refuge, and in the mean time, to make tryal of all your loves to serve him; for his Majesty hath had good experience, how well you can serve yourselves: But when the King finds that the building of your own fortunes and factions, hath been the diligent studies; and the service of his Majesty, but the exercises of your leisure: He may then perchance cast himself upon the generall love of his people: of which (I trust) he shall never be deceived, and leave as many of your Lordships as have pilfered from the Crown, to their examination.

COUNS. Well Sir, I take no great pleasure in this dispute, go on, I pray.

IUS R. In that Kings fifteenth year, he had also a subsidy, which is got by holding the house together from Easter,

ster to Christmasts, and would not suffer them to depart. He had also a Subsidy in his ninth year. In his eleventh year the Commons did again press the King to take all the Temporalities of the Church men into his hands, which they proved sufficient to maintain 100 Earls, 1500 Knights, and 6400 Esquires, with a 100 Hospitalls, but not prevailing, they gave the King a Subsidy.

As for the notorious Prince, *Henry* the fifth, I find, that he had given him in his second year 300000 marks, and after that two other Subsidies, one in his sixth year, another in his ninth, without any disputes.

In the time of his successor, *Henry* the sixth, there were not many Subsidies. In his third year he had a Subsidy of a Tunnage and Poundage. And here (saith *John Stow*) began those payments, which we call Customes; because the payment was continued, whereas before that time it was granted but for a year, two or three, according to the Kings occasions. He had also an aid and gathering of money in his fourth year, and the like in his tenth year & in his thirteenth year a fifteenth, He had also a fifteenth for

the conveying of the Queen out of France into England. In the twenty eight year of that King was the act of Resumption of all Honours, Towns, Castles, Seignuries, Villages, Manors, Lands, Tenements, Rents, Reversions, Fees, &c. But because the wages of the Kings Servants, were by the strictness of the act also restrained, this act of Resumption was expounded in the Parliament at Reading the thirty one year of the Kings reign.

C O U N S. I percieve that those acts of Resumption were ordinary in former times; for King *Stephen* resumed the Lands, which in former times he had given to make friends during the Civil Wars. And *Henry* the Second resumed all (without exception) which King *Stephen* had not resumed; for although King *Stephen* took back a great deal, yet he suffered his trustiest servants to enjoy his gift.

I u s r. Yes, my Lord, and in after times also; for this was not the last, nor shall be the last, I hope. And judge you, my Lord, whether the Parliaments do not onely serve the King, whatsoever is said to the contrary, for as *all* King *Henry* the sixth his Gifts and Grants were

were made void by the Duke of York, when he was in possession of the Kingdom by Parliament. So in the time of *K. H.* when *K. Edw.* was beaten out again, the Parliament of *Westminster* made all his acts void, made him and all his followers traitors, and gave the King many of their heads and lands. The Parliaments of *England* do alw yes serve the King in possession. It served *Rich.* the second to condemn the popular Lords. It served *Bullingbrook* to depose *Rich.* When *Edw.* the 4. had the Scepter. It made them all beggars that had followed *Hen.* the 6. And it did the like for *Hen.* when *Edw.* was driven out. The Parliaments are, as the friendship of this world is, which alwayes followeth prosperity. For King *Edw.* the 4. after that he was possessed of the Crown, had, in his 13. year a subsidy freely given him: and in the year following he took a benevolence through *England*, which arbitrary taking from the people, served that ambitious traitor the Duke of Bucks. After the Kings death was a plausible argument to persuade the multitude, that they should not permit (saith Sir,

Thomas Moor) his line to reign any longer upon them.

COUNS. Well Sir, What say you to the Parliament of *Richard* the third in his time.

IUST. I find but one, and therein he made divers good Laws. For King *Henry* the seventh in the beginning of his third year, he had by Parliament an aid granted unto him, towards the relief of the Duke of *Brittain*, then assailed by the *French* King. And although the King did not enter into the warre, but by the advice of the three Estates, who did willingly contribute; Yet those Northern men, which loved *Richard* the third, raised rebellion under colour of the money imposed, and murdered the Earl of *Northumberland*, whom the King employed in that Collection. By which your Lordship sees, that it hath not been for taxes and impositions alone, that the ill disposed have taken Armes; but even for those payments which have been appointed by Parliament.

COUNS. And what became of these Rebels?

IUST. They were fairly hang'd, and the money levyed notwithstanding.

In

In the Kings first year he gathered a marvellous great mass of money, by a Benevolence, taking patten by this kind of levy from *Edw. 4th*, But the King caused it first to be moved in Parliament, where it was allowed, because the poorer sort were therein spared. Yet it is true, that the King used some art, for in his Letters he declared that he would measure every mans affections by his gifts. In the thirteenth year he had also a subsidy, whereupon the Cornish men took Armes, as the Northern men of the Bishopricks had done in the third year of the King.

COUNS. It is without Example, that ever the people have rebelled for any thing granted by Parliament, save in this Kings dayes.

IUST. Your Lordship must consider, that he was not over much beloved, for he took many advantages upon the people and the Nobility both.

COUNS. And I pray you what say they now of the new Impositions lately laid by the Kings Majesty? do they say that they are justly or unjustly laid?

I u s t. To impose upon all things brought into the Kingdome is very ancient: which imposing when it hath been continued a certain time, is then called Customs, because the subjects are accustomed to pay it, and yet the great taxe upon wine is still called Impost, because it was imposed after the ordinary rate of payment, had lasted many years. But we do now a dayes understand those things to be impositions, which are raised by the command of Princes, without the advice of the Common-wealth, though (as I take it) much of that which is now called Custome, was at the first imposed by Prerogative Royal. Now whether it be time or consent that makes them just, I cannot define, were they just because new and not justified yet by time or unjust because they want a general consent. Yet is this Rule of *Aristotle* verified in respect of his Majestie: *Minus timent homine. ingustum paxi a principe quem cultorem Dei putant.* Yea my Lord, they are also the more willingly born, because all the world knows they are no new Invention of the Kings. And if those that advised his Majesty to impose them

them, had raised his lands (as it was offered them) to 20000 l, more then it was, and his Wards to as much as aforesaid, they had done him farre more acceptable service. But they had their own endes in refusing the one and accepting the other. If the Land had been raised, they could not have selected the best of it for themselves: If the impositions had not been laid, some of them could not have their silks: other pieces in farm, which indeed grieved the subject ten times more then that which his Majestie enjoyeth. But certainly they made a great advantage that were the advisers, for if any tumult had followed, his Majesties ready way had been to have delivered them over to the people.

COUNS. But think you that the King would have delivered them, if any troubles had followed?

IUS R. I know not my Lord; it was *Machiavel's* counsell to *Cæsar Borgia* to do it, and King *H. the 8.* delivered up *Empson* and *Dudly*: yea the same King, when the great Cardinal *Woolsey*, who governed the
King



The Prerogative

King and all his Estate, had by requiring the sixt part of every mans goods for the King, raised a rebellion, the King I say disavowed him absolutely; that had not the Dukes of *Norfolk* and *Suffolk* appeased the people, the Cardinal had sung no more Mass; for these are the words of our Story: The King then came to *Westminster* to the Cardinals Palace and assembled there a great Councel, in which he protested, that *his mind was never to ask any thing of his Commons which might sound to the breach of his Laws.* Wherefore he then willed them to know by whose means they were so strictly given forth. Now my Lord, how the Cardinal would have shifted himself, by saying, *I had the opinion of the Judges,* had not the rebellion been appeased, I greatly doubt.

COUNS. But good Sir, you blanch my question, and answer me by examples. I ask you whether or no in any such tumult, the people pretending against any one or two great Officers, the King should believe them, or defend them?

IUST. My good Lord, the people have not stayed for the Kings delivery,
nei-

neither in *England*, nor in *France*? Your Lordship knows how the Chancellour, Treasurer, and Chief Iustice, with many others at several times have been used by the Rebels: And the Marshals, Constables, and Treasurers in *France*, have been cut in pieces in *Charles* the Sixt his time. Now to your Lordships question, I say that where any man shall give a King perillous advice, as may either cause a Rebellion, or draw the peoples love from the King, I say, that a King shall be advised to punish him; But if the King do absolutely command his servant to do any thing displeasing to the Common-wealth, and to his own peril, there is the King bound in honour to defend him. But, my good Lord, for conclusion, there is no man in *England* that will lay any invention either grievous or against law upon the Kings Majesty: and therefore your Lordships must share it amongst you.

COUNS. For my part, I had no hand in it, (I think) *Ingram* was he that propounded it to the Treasurer.

IUST. Alas, my good Lord, every poor waiter in the Custome-house, or every promooter might have done it, there is no invention in these things.
To

To lay impositions, and sell the Kings lands, are poor and common devices, It is true that *Ingram* and his fellows are odious men, and therefore his Majesty pleas'd the people greatly to put him from the Coffership. It is better for a Prince to use such a kind of Men, then to countenance them? hangmen are necessary in a Common wealth; yet in the Neetherlands, none but a hang-mans son will marry a hang-mans daughter. Now my Lord, the last gathering which *Henry* the seventh made, was in the twentieth year, wherein he had another Benevolence both of the Clergy and Laity, a part of which taken of the poorer sort, he ordained by his Testament that it should be restored. And for King *Henry* the Eighth, although he was left in a most plentiful estate, yet he wonderfully prest his people with great paymen's, for in the beginning of his time it was infinite that he spent in Marrying and Tilt-ing, Banqueting, and other vanities, before he was entred into the most consuming expence of the most fond and fruitless Warr that ever King undertook. In his fourth year he had one of the greatest Subsidies that ever
was

was granted, for besides two Fifteens and two Dismes, he used *David's Law* of Capitation or Head-mony, and had of every Duke ten marks, of every Earl five pounds, of every Lord four pounds, of every Knight four marks, and every man rated at 8 l. in goods 4 marks, and so after the rate: yea every man that was valued but at 40 l. paid 12 d, and every man and woman above 15 years 4 d. He had also in his sixt year divers subsidies granted him. In his fourteenth there was a Tenth demanded of every mans goods, but it was moderated. In the Parliament following, the Clergie gave the King the half of their spiritual Livings for one year, and of the City there was demanded 800000 l, which could not be leavied in England, but it was a marvellous great gift that the King had given him at that time. In the Kings seventeenth year was the Rebellion before spoken of, wherein the King disavowed the Cardinal: In his seventeenth yeare he had a Tenth and Fifteenth given by Parliament, which were before that time paid to the Pope. And before that also, the moneys that the King borrowed in

in his fiftenth year were forgiven him by Parliament in his seventeenth year. In his 35. year a subsidy was granted of 4 d. the pound of every mans worth in goods from 20 s. to 5 l. from 5 l. to 10 l. and upwards of every pound 2 s. And all strangers, denizens and others doubled this summe, strangers not being inhabitants above 16 years 4 d. a head. All that had Lands, Fees, and Annuities, from 20. to 5. and so double as they did for goods, And the Clergy gave 6 d. the pound. In the thirty seventh year, a Benevolence was taken not voluntary, but rated by Commissioners, which because one of the Aldermen refused to pay, he was sent for a souldier into *Scotland*. He had also another great subsidy of six shillings the pound of the Clergy, and two shillings eight pence of the goods of the Laity, and four shillings the pound upon Lands.

In the second year of *Edward* the Sixt, the parliament gave the King an aid of twelve pence the pound of goods of his Natural subjects, and two shillings the pound of strangers, and this to continue for three years, and by the statute of the second and third of *Edward* the Sixt, it may appear the

the same Parliament did also give a second aid, as followeth, (to wit) of every Ewe kept in several pastures, 3 d. of every Weather kept as aforesaid, 2 d. of every Sheep kept in the Common, 1 d. ob. The House gave the King also 8 d. the pound of every woollen cloth made for the sale throughout England for three years. In the third and fourth of the King, by reason of the troublesome gathering of the pole-money upon Sheep, and the tax upon cloth, the act of Subsidy was repealed, and other relief given the King, and in the seventh year he had a Subsidy and two Fifteens.

In the first year of Queen Mary, Tunnage and Poundage were granted: In the second year a Subsidy was given to King Philip, and to the Queen she also had a third Subsidy in *Annis 4. & 5.*

Eliz. Reg. Now, my Lord, for the Parliaments of the late Queens time, in which there was nothing new, neither Head-money, nor Sheep money, nor Escuage, nor any of these kinds of payments was required, but onely the ordinary Subsidies, and those as easily granted as demanded. I shall not need to trouble your Lordship with any

ny of them neither can I inform your Lordship of all the passages and acts which have passed, for they are not extant, nor printed.

COUNS. No, it were but time lost to speak of the latter; and by those that are already remembred, we may judge of the rest, for those of the greatest importance are publick. But I pray you deal freely with me, what you think would be done for his Majesty, if he should call a Parliament at this time, or what would be required at his Majesties hands?

IUST. The first thing that would be required, would be the same that was required by the commons in the thirteenth year of *Hen.* the eighth (to wit) that if any man of the Commons House should speak more largely, then of duty he ought to do, all such offences to be pardoned, and that to be of record.

COUNS. So might every Companion speak of the King what they list.

IUST. No, my Lord, the reverence which a Vassal oweth to his Sovereign, is alwayes intended for every speech, howsoever it must import the good of the King, and his estate, and so long it may be easily pardoned, or
therwise

therwise not : for in Queen *Elizabeths* time, who gave freedome of speech in all Parliaments, when *Wentworth* made those motions, that were but supposed dangerous to the Queens estate, he was imprisoned in the Tower, notwithstanding the priviledge of the House, and there died.

COUNS. What say you to the *Sicilian Vespers* remembered in the last Parliament ?

COUNS. I say, he repented him heartily that used that speech, and indeed besides that, it was seditious, this example held not : The *French* in *Sicily* usurped that Kingdome, they neither kept Law nor faith ; they took away the inheritance of the Inhabitants, they took from them their wives, and ravished their daughters, committing all other insolencies that could be imagined. The Kings Majesty is the natural Lord of *England*, his Vassals of *Scotland* obey the *English* laws, if they break them, they are punished without respect. Yea, his Majesty put one of his Barons to a shamefull death, for being consenting onely to the death of a common Fencer : And which of these ever did or durst commit any outrage in *England*,
but

but to say the truth, the opinion of packing the last, was the cause of the contention and disorder that happened.

COUNS. Why Sir? do you not think it best to compound a Parliament of the Kings servants and others, that shall in all obey the Kings desires?

IUST. Certainly no; for it hath never succeeded well, neither to the Kings part, nor on the Subjects, as by the Parliament before remembred your Lordship may gather, for from such a composition do arise all jealousies, and all contentions. It was practised in elder times, to the great trouble of the Kingdome, and to the loss and ruine of many. It was of later time used by King *Henry* the eight, but every way to his disadvantage. When the King leaves himself to his people, they assure themselves, that they are trusted and beloved of their Kings, and there was never any assembly so barbarous, as not to answer the love and trust of their King *Henry* the sixth, when his estate was in effect utterly overthrown, and utterly impoverished, at the humble request of his Treasurer made the same known to the House: Or otherwise, using the Treasurers own words. He humbly desired

fired the King to take his staffe, that he might save his wardship.

COUNS. But you know, they will presently be in hand with those impositions, when the King hath laid by his own Royal prerogative.

IUS R. Perchance not, my Lord; but rather with those impositions that have been by some of your Lordships laid upon the King which did not some of your Lordships fear more then you do the impositions laid upon the Subjects, you would never dissuade his Majesty from a Parliament: For no man doubted, but that his Majesty was advised to lay those impositions by his Councell, and for particular things on which they were laid, the advice came from petty fellows, (though now great ones) belonging to the Custome House. Now, my Lord, what prejudice hath his Majesty (his Revenue being kept up) if the impositions that were laid by the general Councell of the Kingdom, which takes off all grudging and complaint.

COUNS. Yea Sir, but that which is done by the King with the advices of his private or privy Councell, is done by the Kings absolute power.

IUS R. And by whose power it is done

dome in Parliament, but by the Kings absolute power? Mistake it not my Lord: The three Estates do but advise, as the Privy Councel doth, which advice of the Kings embrace, it becomes the Kings own Act in the one, and the Kings Law in the other; for without the Kings acceptation, both the publick and private advices be but as empty Egg-shells: and what doth his Majesty lose if some of those things, which concerns the poorer sort to be made free again, and the Revenue kept up upon that which is superfluous? Is it a loss to the King to be beloved of the Commons? If it be revenue which the King seeks, is it not better to take it of those that laugh, then those that cry? Yea, if all be content to pay upon moderation and change of the Species: Is it not more honourable and more safe for the King, that the Subject pay by perswasion, then to have them constrained? If they be contented to whip themselves for the King, were it not better to give them the Rod into their hands, then to commit them to the Executioner? Certainly it is farre more happy for a Sovereign Prince, that a Subject open his Purse willingly, then that the same be opened by violence.

Be-

Besides, that when impositions are laid by Parliament, they are gathered by the authority of the Law, (which, as aforesaid) rejected all complaints, and stoppeth every mutinous mouth: It shall ever be my prayer, that the King embrace the Counsel of Honour and Safety. and let other Princes embrace that of Force.

COUNS. But good Sir, it is his prerogative which the King stands upon, and it is the Prerogative of the Kings, that the Parliaments do all diminish.

IUST. If your Lordship would pardon me, I would say then, that your Lordships objection against Parliaments is ridiculous. In former Parliaments three things have been supposed dishonour to the King. The first, that the Subjects have conditioned with the King, when the King hath needed them, to have the great Charter confirmed. The second that the Estates have made Treasurers for the necessary and profitable disbursing of those sums by them given, to the end, that the Kings to whom they were given, should expend them for their own defence, & for the defence of the Commonwealth. The third that these have prest the King to discharge some great Officers of the Crown,

Crown, and to elect others. As touching the first, my Lord, I would fain learn what disadvantage the Kings of this Land have had by confirming the great Charter, the breach of which have served onely men of your Lordships rank, to assist their own passions, and to punish and imprison at their own discretion the Kings poor Subjects, concerning their private hatred, with the colour of the Kings service. For the Kings Majesty takes no mans inheritance (as I have said before) nor any mans life, but by the Law of the Land, according to the Charter. Neither doth his Majesty imprison any man (matter of practice, which concerns the preservation of his estate excepted) but by the Law of the Land. And yet he useth his prerogative as all the Kings of *England* have ever used it. The supreme reason causeth to practice many things without the advice of the Law. As for insurrections and rebellions, it useth the Marshall, and not the common Law, without any breach of the Charter, the intent of the Charter considered truly. Neither hath any Subject made complaint, or been grieved, in that the Kings of this Land, for their own safeties, and preservation
of

of their estates, have used their Prerogatives, the great Engin, on which there is written *soli Deo*. And my good Lord, was not *Buckingham* in *England*, and *Byron* in *France* condemned, their Peers uncalled? And withall, was not *Byron* utterly (contrary to the customs and priviledges of the *French*) denyed an advocate to assist his defence? for where lawes forecast cannot provide remedies for future dangers, Princes are forced to assist themselves by their Prerogatives. But that which hath been ever grievous, and the cause of many troubles very dangerous, is that your Lordships abusing the reasons of state, do punish and imprison the Kings Subjects at your pleasure. It is you my Lords, that when Subjects have sometimes need of the Kings prerogative, do then use the strength of the Law; and when they require the Law, you afflict them with the prerogative, and tread the great Charter (which hath been confirmed by 16. Acts of Parliament) under your feet, as a torn parchment or wast paper.

COUNS. Good Sir, which of us do in this sort break the great Charter perchance you mean, that we have advised the King to lay the new impositions.

Jus r. No my Lord: there is nothing in the great Charter against impositions: and besides that, necessity doth perswade them. And if necessity do in somewhat excuse a private man *a fortiori*, it may then excuse a Prince. Again, the Kings Majesty hath profit and increase of revenue by the impositions. But there are of your Lordships (contrary to the direct Letter of the Charter) that imprison the Kings Subjects and deny them the benefit of the Law, to the Kings disprofit. And what do you otherwise thereby (if the impositions be in any sort grievous but *Renovare dolores*? And withal digge out of the dust the long buried memory of the Subjects former intentions with their Kings.

Couns. What mean you by that?

Jus r. I will tell your Lordship when I dare; in the mean time it is enough for me, to put your Lordship in mind, that all the Estates in the world in the offence of the people, have either had profit or necessity to perswade them to adventure it; of which if neither be urgent, and yet the Subject exceedingly grieved, your Lordship may conjecture, that the House will be humble suitors for a redress.

And if it be a Maxime in policy to please the people, in all things indifferent; and never suffer them to be beaten but for the Kings benefit (for there are no blows forgotten with the smart but those) then I say to make them Vassals to Vassals, is but to batter down those mastering buildings, erected by King *Henry* the 7. and fortified by his Son, by which the people and Gentry of *England* were brought to depend upon the King alone. Yea my good Lord, our late dear Sovereign *Q. Eliz.* kept them up, and to their advantage, as well repaired as ever Prince did; Defend me, and spend me, saith the Irish Churl.

COUNS. Then you think that this violent breach of the Charter will be the cause of seeking the confirmation of it in the next Parliaments, which otherwise could never have bin moved.

JUR. I know not my good Lord's perchance nor for if the House presse the King to grant unto them all that is theirs by the Law, they cannot (in Justice) refuse the King all that is his by the Law. And where will be the issue of such a contention? I dare not divine, but sure I am that it will tend to the prejudice both of the King and Subject.

COUNS. If they dispute not their own liberties, why should they then dispute the Kings liberties, which we call his Prerogative?

IUST. Among so many and so divers Spirits, no man can foretell what may be propounded, but howsoever, if the matter be not slightly handled on the Kings behalf, these disputes will soon dissolve; for the King hath so little need of his Prerogative, and so great advantage by the Laws, as the fear of impairing the own, to wit, the Prerogative, is so impossible, and the burthen of the other, to wit, the Law, so weighty, as but by a branch of the Kings Prerogative, namely, of his remission and pardon, the Subject is no way able to undergo it. This my Lord is no matter of flourish that I have said, but it is the truth and unanswerable.

COUNS. But to execute the Laws very severely, would be very grievous?

IUST. Why my Lord; are the Laws grievous which our selves have required of our Kings? And are the Prerogatives also which our Kings have received to themselves also grievous? How can such a people then be well pleased? And if your Lordship confess that the Laws give too much, why does

does your Lordship urge the Prerogative that gives more? Nay I will be bold to say it, that except the Laws were better observed, the Prerogative of a Religious Prince hath manifold less perils then the Letter of the Law hath. Now my Lord, for the second and third, to wit, for the appointing of Treasurers, and removing of Counsellors, our Kings have evermore laught them to scorn that have prest either of these; and after the Parliament dissolved, took the money of the Treasurers of the Parliament, and recalled and restored the Officers discharged; or else they have been contented that some such persons should be removed at the request of the whole Kingdome, which they themselves out of their Noble natures, would not seem willing to remove.

COUNS. Well Sir, Would you notwithstanding all these arguments advise his Majesty to call a Parliament?

IUSUR. It belongs to your Lordships who enjoy the Kings favour, and are chosen for your able wisdom to advise the King. It were a strange boldnesse in a poor and private person to advise Kings, attended with so under-

standing a Council. But belike your Lordships have conceived some other way, how money may be gotten otherwise. If any trouble should happen, your Lordship knows, that then there were nothing so dangerous for a King, as to be without money : A Parliament cannot assemble in haste, but present dangers require hasty remedies. It will be no time then to discontent the subjects by using any unordinary wayes.

COUNS. Well Sir, all this notwithstanding we dare not advise the King to call a Parliament, for if it should succeed ill, we that advise should fall into the Kings disgrace. And if the King be driven into any extremity, we can say to the King, that because we found it extremely displeasing to his Majesty to hear of a Parliament, we thought it no good manners to make such a motion.

IUST. My Lord, to the first let me tell you, that there was never any just Prince that hath taken any advantage of the success of Councils, which have been founded on reason. To fear that, were to fear the losse of the bell more then the losse of the steeple, and were also the way to beat all men from the studies of the Kings service.

But

But for the second, where you say you can excuse your selves upon the Kings own protesting against a Parliament, the King upon better consideration may encounter that fineness of yours.

COUNS. How, I pray you?

I u s r. Even by declaring himself to be indifferent, by calling your Lordships together, and by delivering unto you that he hears how his loving subjects in generall are willing to supply him, if it please him to call a Parliament, for that was the common answer to all the Sheriffs in England, when the late benevolence was commanded. In which respect, and because you come short in all your projects, and because it is a thing most dangerous for a King to be without treasure, he requires such of you, as either mislike, or cannot fear a Parliament to set down your reasons in writing which you either mislike, or feared it. And such as with and without us set down answers to your objections; and so shall the King prevent the calling or not calling on his Majesty, as some of your great Councillours have done in many other things, shrinking up their shoulders, and saying the King will have it so.

COUNS. Well Sir, it grows late, and I will bid you farewell, onely you shall take

take well with you this advice of mine, that in all that you have said against our greatest, those men in the end shall be your Judges in their own cause, you that trouble your self with reformation, are like to be well rewarded, hereof you may assure your self, that we will never allow of any invention, how profitable soever, unless it proceed, or seem to proceed from our selves.

Jus r. If then, my Lord, we may presume to say, that Princes may be unhappy in anything; certainly they are unhappy in nothing more, then in suffering themselves to be so inclosed. Again, if we may believe *Pliny* who tells us, that it is an ill sign of prosperity in any Kingdome of state, where such as deserve well, find no other recompence, then the contentment of their own consciences, a far worse sign it is, where the justly accused shall take revenge of the just accuser. But my good Lord, there is this hope remaining, that seeing he hath been abused by them he trusted most, he will not for the future dishonour of his judgement (so well informed by his own experience) as to expose such of his Vassals (as have had no other motives to serve him, then simply the love of his person and his estate) to their revenge, who have onely been

been moved by the love of their own fortunes, and their glory.

COUNS. But, good Sir, the King hath not been deceived by all.

IUST. No, my Lord, neither have all been trusted, neither doth the world accuse all, but believe, that there be among your Lordships very just and worthymen, as well of the Nobility, as others, but those though most honored in the Commonwealth, yet have not been most imployed. Your Lordship knows it well enough, that three or four of your Lordships have thought your hands strong enough, to bear up alone the weightiest affairs in the Commonwealth, and strong enough all the Land have found them to beat down whom they pleased.

COUNS. I understand you; but how shall it appear that they have onely sought themselves.

IUST. There needs no prospective-glass to discern it; for neither in the treaties of Peace and War, in matters of Revenue, and matters of Trade, any thing hath hapned either of love, or of judgement: No, my Lord; there is not any one action of theirs eminent, great or small the greatness of themselves onely excepted.

COUNS. It is all one, your Papers can

The Prerogative

can neither answer nor reply, we can. Besides, you tell the King no news in delivering these Complants, for he knows as much as can be told him.

s. For the first, my Lord: Where-
as hath once the reasons of things delivered him, your Lordships shall need to be well advised; in their answers there is no sophistry will serve the turn, where judgement, and the understanding are supreme. For the second, to say that Majesty knows and cares not; that, my Lord, were but to despair all his faithful Subjects. But by your favour, my Lord, we see it is contrary, we find now that there is no such singular power as there hath been. Justice is described with a Balance in her Hand, holding it even; and it hangs as even now as ever it did in any Kings dayes; for singular authority begets but general oppression.

C O U N S. Howsoever it be, that is nothing to you, that have no interest in the Kings favour, nor perchance in his opinion; and concerning such a one, the misliking, or but misconceiving of any one hard word, phrase, or sentence, will give argument to the King, either to condemn or reject the whole discourse. And howsoever his Majesty may neglect your informations, you may be sure that others

(at

at whom you point) will not neglect
their revenges; you will therefore confesse
it (when it is too late) that you are ex-
ceeding sorry that you have not fol-
lowed my advice. Remember Cardinal Wol-
sey, who lost all men for the Kings ser-
vice, and when their malice (whom he
grieved) had out lived the Kings affec-
tion, you know what became of him as
well as I.

Jus. Yea, my Lord, I know it well,
that malice hath a longer life, then ei-
ther love or thankfulness hath: For as
we always take more care to put off pain,
than to enjoy pleasure, because the one
hath no intermission, and with the other
we are often satisfied; so it is in the
smart of injury, and the memory of good
turns, Wrongs are written in Marble. Bene-
fits are (sometimes) acknowledged, rarely re-
quited. But my Lord, we shall all do the
King great wrong, to judge him by com-
mon rules, or ordinary examples: For
his Majesty hath greatly enriched
and advanced those that have but pre-
sented him service, no man needs to doubt
of his goodness towards those that shall
perform any thing worthy reward. Nay,
the not taking knowledge of those of his
own Vassals that have done him wrong, is
more to be lamented, than the relinquish-
ing

